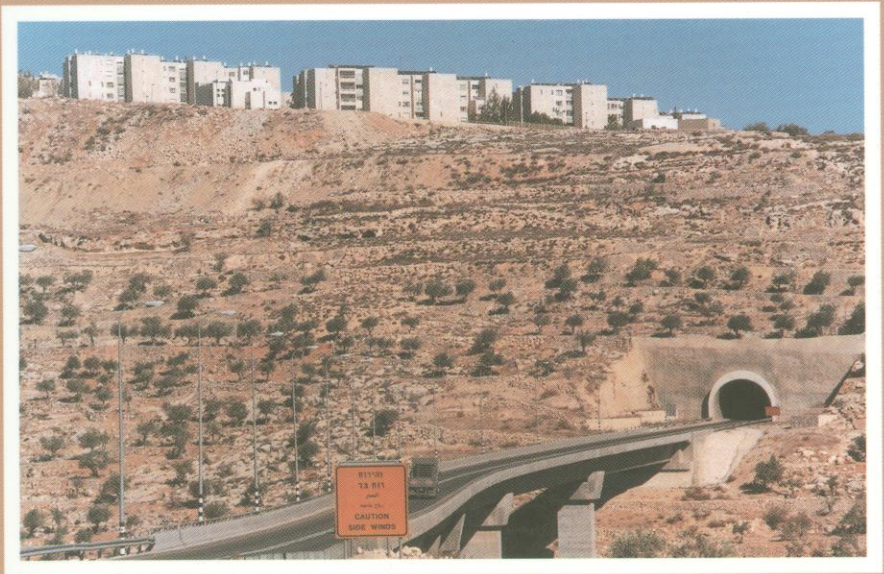


Allison B. Hodgkins

Israeli Settlement Policy in Jerusalem



Facts on the Ground

PASSIA

Palestinian Academic Society for the Study of International Affairs

Allison B. Hodgkins

Israeli Settlement Policy in Jerusalem

*- Facts on
the Ground*

PASSIA

Palestinian Academic Society for the Study of International Affairs

PASSIA, the Palestinian Academic Society for the Study of International Affairs, is an Arab, non-profit Palestinian institution, with a financially and legally independent status. It is not affiliated with any government, political party or organization. PASSIA seeks to present the Question of Palestine in its national, Arab and international contexts through academic research, dialogue and publication.

PASSIA endeavors that research undertaken under its auspices be specialized, scientific and objective and that its symposia and workshops, whether international or intra-Palestinian, be open, self-critical and conducted in a spirit of harmony and cooperation.

Allison B. Hodgkins is the Academic Director of the "Academic Studies Abroad - Middle East: Peace & Conflict" Program of the School for International Training (SIT), Vermont, USA. This study - which is presented as the second part of Hodgkins' research on Israeli policies and practices in Jerusalem - represents the free expression of its author and does not necessarily represent the judgement or opinions of PASSIA. The paper is presented as part of the PASSIA Research Studies Program of 1998, which is kindly supported by the Friedrich Ebert Foundation (FES), Jerusalem.

Copyright © PASSIA
First Edition - December 1998

PASSIA Publication
Tel: 972-2-6264426 ♦ Fax: 972-2-6282819
E-mail: passia@palnet.com
<http://www.passia.org>
PO Box 19545 ♦ Jerusalem

Contents

Foreword	i
Introduction	1
<i>Chapter 1:</i>	
Palestinian West Jerusalem - The City Before 1948	7
<i>Chapter 2:</i>	
The Old City of Jerusalem – Inside Its Walls	21
<i>Chapter 3:</i>	
Israeli Settlements in East Jerusalem Since 1967	41
<i>Chapter 4:</i>	
Palestinian Neighborhoods in East Jerusalem	63
<i>Chapter 5:</i>	
Greater Jerusalem	79
Travel Tips, Resources and Information	109
Appendices	
A. Statistics	117
B. Israeli Methods of Expropriating Land and Controlling Palestinian Development	118
C. Settlements and International Law	120
D. Resources for Further Information	121
E. Contact Addresses for Advocacy	123

Foreword

What is Jerusalem? The question might as well be who is God, or what is faith? Jerusalem is, in the words of an Armenian Jerusalemite, a city of mirrors, where each person's vision of the city depends on the angle from which they look through the glass. Thus, the Jerusalem of a Western Christian is very different from that of a Diaspora Jew, and those two visions diverge from those of Palestinian Christians or Moslems or Israeli Jews. It is this intangible nature of Jerusalem that makes the city so ethereal, so unreal, and so spiritual. Jerusalem is much more than the city or the holy sites: Jerusalem is a symbol, yet it is a symbol for a multitude of changing things. Jerusalem is intensely personal, yet, at the same time, it is also universal. The inherent holiness of the city, built on millenniums of faith, has given it a quality so intensely spiritual that it almost floats above the earth in our minds. Jerusalem is the essence of sacred space.

However, Jerusalem is also a modern city with modern problems. The authors of the Hebrew scriptures were very wise in pointing out this distinction by separating Jerusalem into *Yerushalim Shel-Malah* and *Yerushalim Shel-Mata*: 'Jerusalem of the sky' and 'Jerusalem of the earth'. According to this separation, a distinction was made between the sacred and profane; thus, Caesar could be responsible for garbage collection without sullyng the city as a place for prayer.

Unfortunately, in the throes of the modern national struggle, this distinction has been lost. Now, heaven and earth collide like two tectonic plates, making Jerusalem the epicenter of seismic activity in the Palestinian-Israeli conflict. In this prism, compromise on anything that has been draped in the cloak of 'Jerusalem' becomes akin to blasphemy. Every motion in the city takes on an emotional intensity that can cause the tenuous *status quo* to explode. In short, Jerusalem the Holy is also Jerusalem the intractable political mess. How is it possible to negotiate rationally on Jerusalem?

As the focal point of the conflict, it is fairly easy to determine where the problem begins. The heart of Jerusalem - and the heart of the conflict - is of course the religious shrines found within the walls of the Old City. However, it is not the center of Jerusalem that is the focus of this book. Rather, it is the outer limits of the Holy City that serve as the subject of this work. With the emotional gaze of the international debate directed at heavenly Jerusalem, the rapid expansion of 'sacred space' into the West Bank hinterlands escapes our notice. Suddenly, remote hillsides and farming villages that were never considered part of any urban area, or as having any particular religious significance, are suddenly Jerusalem - suddenly holy and suddenly beyond compromise.

While settlement activity in the West Bank and Gaza is almost universally condemned and recognized as a violation of International Law, settlement for the sake of Jerusalem is somehow excused as an internal Israeli matter. This discrepancy comes from the same contradiction between heaven and earth that clouds the political debate. When we read an article about settlements in Jerusalem, our gaze is somehow blurred by our own images of Jerusalem, the heavenly city, and we are no longer sure what we are talking about.

About this Book

This book attempts to draw a distinction between the spiritual connections to Jerusalem and the implications of the modern political struggle for the sovereignty on the city and its residents. This work puts aside spiritual considerations and focuses on showing the reader the facts on the ground. It is designed as a tool for understanding how Israeli policy works in Jerusalem, specifically how settlement activity in the city relates to the larger Israeli agenda. Unlike other guidebooks on Jerusalem, which attempt to give the visitor a comprehensive picture of the city, the sole focus of this work is the impact of these policies on the Israeli-Palestinian peace process.

The intent in presenting this information in the format of a 'guidebook' is to provide interested groups and individuals with the facts and figures needed to interpret the changes that have taken place in Jerusalem since 1948. The information presented here is neither secret

nor subversive. It represents a well-researched collection of historical information and published statistics that describe the issue of settlements. It will be a useful companion for journalists, peace activists, foreign NGO employees, alternative travel or church groups, and other tourists and individuals concerned with the future of Jerusalem and the peace between Israelis and Palestinians.

This book assumes a basic knowledge of the history and politics of Jerusalem since 1948. It includes historical summaries of the essential issues, maps and statistics and has a comprehensive appendix with tips for visitors to Israeli settlements, as well as contact and resource information.

If reviewed before an excursion, the different chapters will help place the sites visited in the current political context. Each chapter begins with important statistical information pertaining to the chapter's focus and includes a brief introduction to the issue. In the annex, one then can find tips detailing where to go to witness the policy effects or find additional information. The main body of each chapter contains annotated text highlighting key sites or components of Israeli policy. Major sites or terms are highlighted in bold to facilitate the location of key pieces of information. The data collected in this work was compiled between 1996 and 1998. The statistics reflect the situation on the ground as of July 1998. However, the historical information and the basic picture remain the same.

Introduction

The issue of settlements remains one of the most contentious issues complicating the Israeli-Palestinian search for peace. Many Israelis and most importantly the Israeli Government view settlements as part and parcel of their historic right to the land of Israel and the right of Jews to live anywhere in their homeland. Palestinians and the majority of the international community view settlements as illegal and as an obstacle to peace. Jerusalem serves as the most dramatic example of the clash of Israeli and Palestinian aspirations in the Holy Land. Jerusalem-area settlements are the most extensive, the most controversial and perhaps the most intractable part of the settlement question. At the most fundamental level, one should at least be aware of their history, their scope, their impact on the land, and their impact on the current negotiations.

Competition for land, the skyline and supremacy in Jerusalem neither begins with the events of 1967 or those of 1948. Furthermore, staking out sovereignty in the city is not a strictly Zionist enterprise. Every ruler since Herod has attempted to make a mark on the city. Examples are found all over the city of attempts by European powers to establish sovereignty, usually in the form of religious structures, hospices and hospitals that were designed to meet the needs of their pilgrims in the city. Notre Dame, Augusta Victoria and the Russian Compound are all examples of 'facts' being placed on the ground to secure ownership of the city. However, the lesson that the Jews learnt during the British Mandate period was that physical buildings had to be backed up by a demographic presence. Prior to 1948, enormous energy was devoted to planning Nahalot Shiva, Yemin Moshe and Mea Shearim. These neighborhoods were poor and financed by the Diaspora but were definitely a communal effort and part of a larger agenda. From the 1880s through to the War of 1948, Jewish and Zionist development in Jerusalem was mainly focused on establishing a Jewish communal presence in the city. The neighborhoods that were developed stand in contrast to Palestinian development during that

period. The large Palestinian houses built in Talbiyah, Baka'a and Sheikh Jarrah through independent family initiatives are testimony to the difference in focus.

Personal diaries, property maps and other historical sources speak of the great diversity that existed in Jerusalem prior to 1948. Although the different religious and ethnic communities tended to live in separate neighborhoods, some mixed neighborhoods did exist. Coexistence was the norm, especially in the avenues of commerce and trade. However, the competing claims that erupted in the 1930s and 1940s divided the city along national lines. It was then plunged into violence as both sides prepared for war.

The events of the War of 1948 radically altered the demographic reality of Jerusalem and the surrounding countryside. Prior to 1948, 38 Palestinian villages existed in the corridor in the hills leading up to Jerusalem.¹ Beginning in early 1948, Arab irregulars dominated the eastern half of the Tel Aviv-Jerusalem road. Militias from villages such as Deir Muheisin, Beit Mahsir, Suba, Al-Qastal, and Qaluniya, had repeatedly attacked Jewish convoys traveling to and from Jerusalem. Securing this road was a prime objective of the Haganah, as Jewish Jerusalem was completely under siege by March of 1948. Control of the road meant access to the city, which in turn meant water, food, munitions and other supplies for the city's 100,000 Jewish inhabitants.

On 1 April 1948 Operation Nachson was planned by Ben Gurion and the Haganah general staff in order to relieve the pressure on Jerusalem. Orders for this operation called for treating all 38 villages as 'enemy assembly points' or bases for attack. In addition, previous Palmach plans stated that if Arab villages offered resistance, they should be destroyed and their inhabitants expelled. Three Palmach battalions (1,500 persons) were mobilized for this operation, which was carried out between 6 and 15 April. During this period, the 38 villages in the Jerusalem corridor were captured, their houses destroyed and their residents expelled.²

¹ Walid Khalidi, *All That Remains*. Washington, DC: Institute for Palestine Studies, 1992, p. 304-5.

² Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-49*. Cambridge University Press, 1987, p. 111-113.

At the end of the War of 1948, the United Nations plan for a *corpus separatum* arrangement in Jerusalem gave way to a divided city. Israel established sovereignty over the western part of the city and Jordan retained control of the eastern half, including the Old City. The war in the city resulted in a massive population transfer. Palestinians who had lived in villages such as Lifta, Malha, Ein Kerem and Deir Yassin, were forced to flee east and Jewish residents of the Old City were expelled west.

Between 1948 and 1967, Israel made extensive efforts to consolidate its control over the western side of the city. Israel sought to reinforce its claim to exclusive sovereignty in West Jerusalem through legislation, diplomacy and the policy of 'creating facts on the ground'. The Basic Law for Jerusalem, enacted in 1950, made Jerusalem the Israeli capital, retroactive until 1948. By 1953 all national ministries had been located in Jerusalem. On the municipal level, relying on a tradition of centralized planning, initiatives were taken to bolster the Jewish presence in the city. During the period between the two wars, the Jewish population in West Jerusalem more than doubled, rising from 80,000 to 190,000. The majority of the new immigrants were Jewish refugees from Arab countries. These refugees were primarily settled in properties belonging to Palestinians who had been forced east in 1948.

The uneasy armistice remained until June 1967, when Israel defeated the Jordanian army and occupied Jerusalem and the West Bank. When Israel conquered the eastern half of the city, immediate action was taken to incorporate the territory into Israel. The very first act of political planning was to redefine the city's boundaries, and 71 square kilometers were annexed to the area within the Jerusalem municipal borders. Only six square kilometers had previously been part of the Jordanian municipal limits. The remaining 65 square kilometers had belonged to 28 villages. In most cases, the agricultural land of these villages was annexed to Jerusalem while the village population center was excluded. The new definition of the municipal boundaries reflected the strategic interests of the Israeli Government. The operating principle was to include the high ground, as well as to incorporate the maximum amount of empty land with the minimum 'non-Jewish' population. On 28 June 1967, the Eshkol government amended the 1950 Basic Law on Jerusalem to include newly defined boundaries. By August 1967, all planning for the city had been nationalized. This

meant that municipal planning for the city became subservient to political objectives at the national level.

In order to secure the new boundaries, control of the available land became a prime objective for Israeli policymakers. Relying on British and Ottoman codes, Israel applied a series of municipal codes and military orders in order to begin expropriating Palestinian-owned property. A census and land survey was conducted immediately after the War of 1967, and anyone not physically present was declared an 'absentee'. Military Order 150 (Absentee Property Law) announced that all property belonging to absentee owners was now 'State Land'. Military Order 291 (1968) terminated land registration processes that had been enacted by the Jordanians, leaving two thirds of Palestinian land unregistered according to a modern title and deed system.

However, the most effective tool used by municipal planners for taking control of Palestinian-owned land for Jewish settlement was a 1943 British mandatory land ordinance, which allowed for the Minister of Finance to expropriate 'private land' for 'public purpose'. This, of course, is a standard government ordinance. One of the principal responsibilities of sovereignty is to reallocate the available resources to ensure that public needs are met. However, in Jerusalem 'public benefit' is synonymous with Jewish benefit. When private land is expropriated it is always 'private' Palestinian land, which is taken for the benefit of an exclusively Jewish public. Between 1967 and 1995, five major expropriations were enacted under this ordinance, affecting two thirds of the land incorporated into the area within the Jerusalem municipal boundaries in 1967. These expropriations totaled in excess of 5,750 acres.³

Jerusalem city planners sought to cement the political objective of geographic integrity for the city by relying on traditional Zionist methods of holding territory through settlement. The plan was to create facts, ring Jerusalem with settlements and physically separate it from the West Bank. 'Empty' areas were to be filled with Jewish population centers. Initial plans were to immediately build 25,000 apartments and then continue at a pace of 6,000-8,000 per year.⁴

³ Interview with Sarah Kaminker, July 1996.

⁴ Meron Benvenisti, *City of Stone*. Berkeley: University of California Press, 1996, p. 158.

Israeli settlements have been constructed in three strategic phases, which translate into the following time periods: Phase one settlements were established between 1967 and 1973. They consist of the inner ring of settlements: Ramat Eshkol, French Hill, Neve Ya'akov, Ramot, Reches Shu'fat, East Talbiyah and Gilo. The second phase, or outer ring of settlements, began in the late 1970s with Pisgat Ze'ev, Givat Ze'ev and Atarot. The existing settlements that had been established during phase one also continued to expand in this period. The third phase of settlements is still in the projection stages, but began with massive land expropriations in the early 1990s. If constructed, these settlements will close the ring around Palestinian East Jerusalem and effectively sever it from the West Bank. The settlements, mostly located in the south will be Givat HaMatos, Givat Arba, Har Homa and the Eastern Gate near Shu'fat. Current municipal plans call for the construction of upwards of 20,000 (some sources say 30,000) additional housing units exclusively for Jewish residents of Jerusalem.

In addition to construction in and around the municipal boundaries, settlements have also been established within a 100-square-kilometer radius of Jerusalem. These settlements comprise the Greater Jerusalem scheme. In this scenario, Israel envisions a metropolitan Jerusalem extending from Ramallah in the north; to Bet Shemesh in the west; nearly to Hebron in the south; and towards Jericho in the east. Settlements in this bloc include Psagot and Bet El near Ramallah, the Etzion Bloc to the south and the massive Ma'aleh Adumim to the east. Realization of this plan would effectively divide the West Bank into two disjointed halves and jeopardize any Palestinian hopes for a viable and territorially contiguous state.

Concomitant to settlement construction in Jerusalem, Israeli policies have also actively discriminated against Palestinian development in the city. Since 1967, Israel has taken over effective control of nearly 90 percent of the available Palestinian land in East Jerusalem. More than 34 percent has been expropriated for settlements and an additional 45 percent has been declared 'green areas'. In theory, 'green areas' are zoned as nature reserves where construction is banned. In reality, however, areas are zoned as green in order to prevent Palestinian development, until the area is rezoned for Jewish settlements. The Shu'fat forest and Har Homa are the most recent examples of this rezoning process. Zoning restrictions limit construction of buildings

in Palestinian areas to two floors whereas structures of eight floors are consistently allowed in Jewish areas. Israelis have also denied Palestinian landowners the necessary licenses and permits. In 1973, there were 15,200 housing units available for Palestinians. In 1997, there were approximately 22,000 units for Palestinians. It is estimated that the housing shortage for Palestinian Jerusalemites is equal to 21,000 units. In that same time period, 64,000 apartments were built for Jews, of which 38,000 were built on expropriated land.⁵ Conversely, the demolition of Palestinian homes has taken place at a rate of 50 per year. Municipal services are also meted out in a discriminatory fashion. Palestinian Jerusalemites contribute 26 percent of the municipal tax revenue, but only five percent of this revenue is spent in Palestinian neighborhoods.⁶

These policies have dramatic ramifications for the future of the Holy City. The Palestinian character of the city is in grave danger of extinction. It is important to keep in mind that Jerusalem is holy to three religions, the capital of two peoples and holds special significance to all peoples of the world. There will be no peace in the Holy Land without a just solution to the Question of Jerusalem.

⁵ Feiner, *op.cit.*, p. 40.

⁶ *Ibid.*

Chapter 1

Palestinian West Jerusalem - The City Before 1948

Land Ownership and Population - 1948	
Population:	Jerusalem
Palestinians	85,010
Jews	99,320
Population:	Jerusalem Sub-Districts
Palestinians	150,590
Jews	102,520
Land Ownership:	West Jerusalem
Palestinian	40%
Jewish	26.12%
Public	33.88%
Land Ownership:	Western Villages
Palestinian	90%
Jewish	10%
Land Ownership:	Jerusalem Sub-Districts
Palestinian	84%
Jewish	2%
Public	14%

Sources: **British Government**, *A Survey of Palestine*, 1946; Sami Hadawi; *Palestine: Loss of a Heritage*; Walter Lehn, The Jewish National Fund; BADIL, *Fact Sheet on Jerusalem*, 1998.

The classified ads in the Friday edition of *The Jerusalem Post* always contain a few announcements like these:

GERMAN COLONY, EXCEPTIONALLY large three, beautiful terrace, Arab-style small building.

BAKA'A, ARAB-STYLE SUPERBLY renovated, spacious, 5+ studio, charming garden.

CITY CENTER, three with private garden, Arab-style house, separate entrance, \$435,000.¹

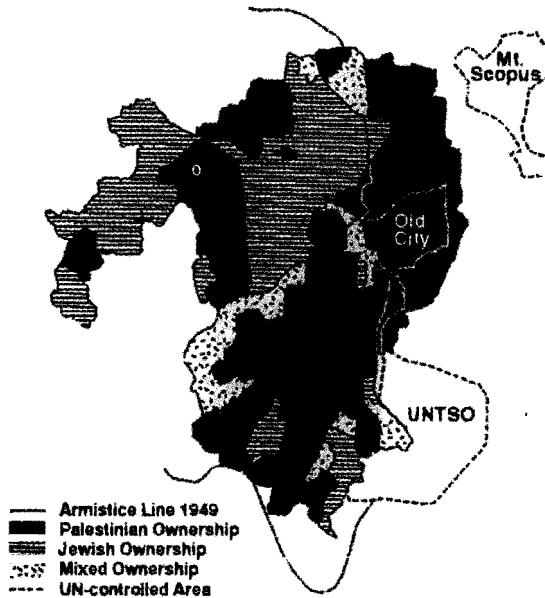
¹ *The Jerusalem Post*, Friday, 3 July 1998, p. 20.

These seemingly innocuous advertisements for upscale housing in some of Jerusalem's most exclusive neighborhoods are a subtle testimony to the silent exodus of over 40,000 Palestinians from the western half of Jerusalem during the War of 1948. The euphemism 'Arab-style house' is commonly found in the vocabulary of Israeli Jewish Jerusalemites. Similar euphemisms, such as 'abandoned' or 'deserted' property are often thrown about to obviate the undeniable fact that countless of the villas, apartments, shops and other properties purchased by Jewish Israelis in West Jerusalem from the Custodian of Absentee Property were actually the family homes and businesses of Jerusalemite Palestinians made refugees by the creation of the Jewish State. In many cases, the original owners of these homes live only a short drive away, in the Palestinian neighborhoods in the eastern half of the city. Often, these families still hold the deeds and the keys to their homes. Many of those who fled in 1948 quietly pay visits to their lost properties in order to tell their children and their grandchildren, "See that house right there? That was our home."

The greater part of the current debate on Jerusalem centers on the eastern section of the city, which was annexed by Israel in 1967. The focus of the negotiations is the prospect of dividing sovereignty along the 'Green Line' and making East Jerusalem the possible capital of a Palestinian state. The tenor of these discussions and the *de facto* segregation between West Jerusalem, Palestinian East Jerusalem and the surrounding settlements built on Palestinian land support the idea that West Jerusalem is and was an Israeli/Jewish city from time immemorial and is therefore exempt from negotiations.

This belies the fact that, prior to 1948, West Jerusalem was an ethnically diverse city. Palestinian Moslems, Palestinian Christians and Palestinian Jews lived in neighborhoods and villages to the east and to the west of the Old City. While the expulsion of the Jewish population of the Old City at the hands of the Jordanian army is well known here and abroad, the expulsion of Palestinians from the New City and the 38 Palestinian villages west of the city and in the Jerusalem corridor has been forgotten. Israeli propaganda and legislation has attempted to obscure the Palestinian heritage of West Jerusalem. Nonetheless, an informed visitor to neighborhoods such as Talbiyah, Baka'a, Katamon or Talpiot can easily view the silent testament to the Palestinians' loss in 1948 by recognizing the former owners of the

many buildings seen there. This chapter focuses on the character of the city before the War of 1948 and the Palestinian heritage that was once alive in the western side of the city.



Source: Badil, Bethlehem (www.badil.org)

Pre-1948 West Jerusalem

Until the end of World War I and the push for the creation of a Jewish state in Palestine, Jerusalem was an example of ethnic coexistence. While most groups had their own neighborhoods, there were also pockets of integration. Numerous journals and diaries from pre-1948 attest to the positive nature of the relations between the different ethnic and religious groups in the city. While population figures and property records of that period are widely disputed and difficult to accurately assess, they unquestionably support the diverse nature of the city. The population in 1944 was composed as follows: approximately 94,000 Jewish, 32,000 Moslem and 28,000 Christian. To give a further illustration of the mixed nature of the city, in 1947 about 9,000 Jews were residents of the Christian neighborhoods of West

Jerusalem - population 30,000. Some 1,500 Moslems lived among 88,000 Jews in the Jewish neighborhoods in the western part of the city. Properties in West Jerusalem broke down as follows: 40 percent Palestinian owned, 26 percent Jewish owned, 14 percent trusts of various Christian churches and 20 percent public buildings and roads. In the West Jerusalem of 1947, the neighborhoods of **Baka'a**, **Talbiyah**, the **German Colony** and **Katamon** were predominately Christian Palestinian; areas like **Musrara** and **Sheikh Jarrah** were predominately Moslem Palestinian; while areas like **Beit HaKerem**, **Rehaviah** and **Yemin Moshe** were predominately Jewish. Large Moslem Palestinian villages such as **Deir Yassin**, **Lifta**, **Malha** and **Ein Kerem** (largely Christian) were excluded from the boundaries but were socially and economically tied to the city.²

Troubles began for the city in the 1920s and 1930s as increased Jewish immigration and the beginnings of organized nationalism undermined the ethnic and religious *status quo*. The revolt of 1936 marked the beginning of the end of coexistence in Jerusalem. Turmoil grew as the future of the whole of mandatory Palestine came into question. The total collapse of traditional relationships between the Jewish and Arab residents of the city came with the announcement of the **UN Partition Plan for Palestine** in November 1947. The proposed internationalization of Jerusalem sparked an all-out war for control of the city.³

The **War of 1948** was especially brutal in Jerusalem. Fighting was street to street and house to house. Residents, Palestinian and Jewish alike, scrambled from neighborhood to neighborhood to seek safety from the ongoing battles. Fighting between the Zionist forces, the Jordanian Arab Legion and the local Palestinian militias continued until the final cease-fire agreement was arranged between Israel and Jordan. During the war, an almost complete population transfer took place. As a result of the battle for the Old City in May 1948, the Jewish residents of the Old City were expelled by the Arab Legion and their property was looted or destroyed. In the west, events such as the blowing up of the **Semiramis Hotel** in Katamon by the **Haganah** and the massacre at Deir Yassin by the **Lechi** sparked a Palestinian

² Interview with Dr. Salim Tamari, Director, Institute of Jerusalem Studies, Jerusalem, July 1997.

³ BADIL, *Fact Sheet on Jerusalem*, 1998.

exodus to the **Old City**, **Bethlehem** and **Ramallah**. On the eve of the first cease-fire of 1948 only 150 Palestinians out of thousands remained in the Baka'a-German Colony area.⁴

The Haganah and the Lechi eventually forced those Palestinians who did not flee out. There are reports of families being loaded into dump trucks and dropped at the **Mandelbaum Gate**. During the siege of Jerusalem, the looting of Palestinian homes in West Jerusalem was rampant. Eyewitness accounts testify to gangs of looters removing everything from the homes, including the electric wires in the walls.⁵ By the time of the final cease-fire agreement in 1949, the city was almost completely segregated. Palestinian refugees who had fled the western villages and neighborhoods left behind more than 10,000 homes and businesses in addition to thousands of dunums of land.⁶

In a reflection of Israeli determination to secure sovereignty in Jerusalem, the houses and properties left by the Palestinian refugees were utilized to house Jewish immigrants. Houses were subdivided into flats and new apartment buildings were constructed in the gardens and vacant plots that remained. In 1950, Israel issued the **Absentee Property Law** in an effort to legalize the expropriation of this property and to protect it against any claims from the rightful owners. This law defined someone as an 'absentee' if they were in an enemy country after 1948. As Jordan was an enemy country (like Lebanon, Syria, etc.), any Palestinian landowner that fled to the Old City during the war was considered an absentee. Under this law, properties belonging to absentees were placed under the authority of the **Custodian of Absentee Property**. However, in a complementary law, the **Development Authority (Transfer of Property) Law**, the custodian was and is allowed to sell these properties to the Israeli Lands Authority, which in turn may lease it to the **Jewish National Fund**, the **World Zionist Organization** or the **Zionist Agency for Development**. Under this law, the deeds and titles still held by the original owners of the land became null and void.⁷ This law was used to transfer Palestinian-owned land and buildings in Jerusalem and the 400-some

⁴ John H. Melkon Rose, *Armenians of Jerusalem: Memories of Life in Palestine*. London: The Radcliffe Press, 1993, p. 189-91.

⁵ *Ibid.*, p. 200.

⁶ BADIL, *Fact Sheet on Jerusalem*, 1998.

⁷ Raja Shehadeh, *Occupier's Law*. Washington, DC: Institute of Palestine Studies, 1985, p. 34-35.

odd villages throughout mandatory Palestine irreversibly into Jewish hands. Once land is transferred to the Israel Lands Authority, it can never, legally, be transferred back. This law also applies to those who were defined as absentee after the War of 1967.

Some estimates assert that as much as 60 percent of the properties of West Jerusalem are categorized as absentee or abandoned property. The vast majority of these properties belonged to Palestinian refugees, many of whom are still holding the titles and deeds to prove their ownership. Numerous famous structures and government buildings are built on Palestinian-owned land. For example, **Yad Vashem**, the Israeli Holocaust memorial, is built on land belonging to the Dajani family and the Israeli **Knesset** building is resting on lands belonging to the Akal and Haram families from Lifta. In the residential neighborhoods the majority of Palestinian homes lost in the War of 1948 have now been converted to apartments.

West Jerusalem Palestinian Neighborhoods

- **MUSRARA**

The Musrara neighborhood is located on both sides of **Road 1**, just past the Old City when headed north. Prior to 1948, Musrara was a mixed Moslem and Jewish neighborhood, although a few Christian families owned homes there as well. Neighborhoods such as Musrara became border areas after the War of 1948. They were populated with Jewish immigrants from Arab countries and were regarded by more urbane Jewish Jerusalemites as dangerous slums, as they were easily within the range of Jordanian sniper fire. Musrara was populated primarily by Jews from Morocco and still remains a largely Mizrachi neighborhood today.

Prominent Palestinian journalist Daoud Kuttab's family owned a home in Musrara. He recalls how his father took them to visit the family home shortly after the War of 1967. Allowed to tour the house that had been occupied by strangers, his father proudly showed them the built-in closet that had been hand-carved by his grandfather. On a recent trip back to his father's home, Mr. Kuttab found that a new family had moved into the house and was in the process of carrying

out renovations. The broken remains of his grandfather's hand-carved closet were amongst the items in the pile of debris outside the house.⁸

Like Musrara was a Moslem neighborhood with some Jewish residents, Romema, at the city's northern entrance, and nearby Mea Shearim (between Shveti Israel and Neva'im streets) were predominantly Jewish neighborhoods with many Moslem residents. These older Jewish neighborhoods are excellent examples of the pre-Zionist strategy of creating small communities of Jews outside the Old City walls. Until this day, the Ultra-Orthodox neighborhoods, emanating out from Mea Shearim are strictly observant communities and rely heavily on support from overseas.

• MAMILLA

The area between Jaffa Street and Shlomo HaMelech was known as Mamilla or the Shama'a. This was one of the main commercial areas of Jerusalem prior to the War of 1948. The area was composed mainly of Jewish and Arab businesses with a few residential buildings. It was a prime example of the type of coexistence that existed in Jerusalem prior to 1948. According to many accounts, Arabs worked for Jewish businesses and *vice versa*. On the day of the declaration of the State of Israel, all of the Palestinian Jerusalemites employed by Jewish businesses in the district held a one-day strike in protest. This was the scene of intense fighting during the War of 1948. It then became a no-man's-land until 1967.⁹

The buildings remained intact until 1993 when construction began on the new Hilton Hotel and David's Royal Residence (behind the Hilton on King David Street). The **Israeli Ministry of Trade** building on Agron St., opposite the new Mamilla Village, was the site of the first Palestinian theater in the 1930s. Its distinctive design and the large Arabic plaque on the building's northern face attest to its Palestinian heritage. This building is owned by the Islamic Waqf, but now houses the History of Taxation Museum, in addition to the Ministry of Trade. Across Agron from the Ministry of Trade, one can also see the remains of the Mamilla Cemetery behind an iron fence.

⁸ Daoud Kuttab, "Jerusalem's Lost Homes," *The Jerusalem Post*, 11 June 1998.

⁹ John H. Melkon Rose, *Armenians of Jerusalem: Memories of Life in Palestine*. London: The Radcliffe Press, 1993, p. 185.

The Moslem cemetery for the Mamilla Quarter is now incorporated into a park commemorating Israel's independence day.

- **TALBIYAH**

Traveling up from Agron, on to Keren HaYasod and then on to Jabotinsky Street, one enters Komemiyut, a neighborhood formerly known as Talbiyah. Palestinian development outside of the walls of the Old City was in the form of single family homes like the countless examples found in this neighborhood. Talbiyah was predominantly a Christian neighborhood, although there were some Jewish residents. Dr. Edna Hunt, a fifth generation Jewish Jerusalemite, once commented on growing up in Talbiyah:

"I grew up in a pluralistic polyglot society. My childhood playmates in Talbiyah, Theo and Yasmin, were the children of our Arab landlord and his German wife."¹⁰

Where Jabotinsky Street turns into HaNasi is a large traffic circle surrounded by large villas, which clearly fall under the category of Absentee Property. Palestinian taxi drivers still refer to this as Salameh Circle, as the Salameh family owned most of the land here. The house that is now the **Belgian Consulate** was previously the family villa.¹¹ The official residence of the Israeli President and the prestigious **Van Leer Institute** just up HaNasi on the left-hand side were also built on land belonging to the Salameh family.

- **BAKA'A / TALPIOT**

Numerous villas can be seen on either side of **Hebron Road** and in the surrounding neighborhood, today known as Geulim. The enormous buildings along Hebron Road are often referred to as the mansions of Talpiot and are mostly former Armenian properties. The following is an account of the fall of Baka'a in 1948 excerpted from John Rose's *The Armenians of Jerusalem*:

On the morning of 16 May Jewish forces took complete control of the Arab suburb of Baka'a. There was no resistance of any sort; they just walked in, gradually taking over buildings in strategic places.

¹⁰ "A Very Personal Commemoration," *The Washington Report on Middle East Affairs*, June/July 1997, p. 11.

¹¹ Interview with Dr. Salim Tamari, Institute of Jerusalem Studies, July 1997.

Nearly every house was empty: set tables with plates of unfinished food indicated that the occupants had fled in disarray, haste and fear. In some kitchens, cooking stoves had been left alight, reducing the ingredients of a waiting meal to blackened remains ... On 22 May there was an unexpected and alarming development. At about 6.15 p.m. the Jewish forces rounded up most of the remaining inhabitants of Baka'a, men women and children. The old people were left behind. ... Those who were arrested marched away single file to the Katamon Quarter. There they were told that they were to be held hostage until the Jewish defenders of Kfar Zion, a settlement on the Hebron road were released.¹²

Neighborhoods like Baka'a, Katamon and the German Colony suffered heavily at the outset of the War of 1948 as they were predominantly Palestinian neighborhoods that separated the Jewish neighborhoods in the north from those in the south. Major battles were waged against these neighborhoods in April and May of 1948 and their residents became refugees, leaving behind the properties still visible in these areas today.¹³

West Jerusalem Villages

- **MALHA**

Behind the complex of the **Kanyon Yerushalaim**, it is possible to see the mosque of the village of Malha in the center of what has become the Jewish neighborhood of **Manahat**. The Palestinian villagers of Malha were expelled in 1948 in line with **Operation Nachson**. Operation Nachson was a plan approved by David Ben Gurion in 1948 that directed the Haganah to clear the Jerusalem corridor of 'enemy assembly points', or Palestinian villages in the Jerusalem corridor. In 1945, the village had a population of 1,940 (mostly Moslem) with 299 homes. It was considered a suburb of Jerusalem during the British mandate. The first attacks on the village occurred in March 1948, but the majority of the residents fled after the 9 April Deir Yassin massacre. The Palmach and the Gadna (youth brigade) drove out the last residents in mid July. Unlike many of the villages where the

¹² Rose, op.cit., p. 194, 197.

¹³ Interview with Bahjat Abu Ghourbiya, conducted by Mohammed Jaradat of BADIL in Amman, April 1998.

buildings were razed, the structures in Malha, later renamed Manakhat, were used for housing Jewish immigrants. The clearly visible village mosque was also left standing but sealed.¹⁴ **Gilo, Denya and Beit Vagan** were all built on land belonging to Malha. The Kanyon Yerushalaim is also known as the Malha Mall. A plaque on the entrance indicates that it was built near the abandoned village of Malha. Teddy Stadium, off Augudat Sport Beitar Street was also built on land belonging to the villagers of Malha.

- **DEIR YASSIN**

In 1945, the population of Deir Yassin was around 600 persons with 91 houses in the village. Limestone mining was the primary source of income for the residents. There were several limestone quarries near the village, which flanked either side of Eagles Street.¹⁵

However, Deir Yassin is best known as the site of one of the worst atrocities of the War of 1948. On 9 April 1948, units from the Lechi and the Stern gang attacked the village. Over the course of two days, 245 people, most of them civilians were killed by the Lechi forces. There were also cases of mutilation and rape recorded by the Red Cross.¹⁶ The climax of the incident occurred when 25 young men from the village were paraded through **Mahane Yehuda** (the main Jewish market) by the Lechi, then brought back to the village's limestone quarries and executed. The surviving children of the village were reportedly rounded up in a truck and then literally dumped at the walls of the Old City. The **Dar At-Tifl** Orphanage, located near the Orient House, was originally founded as a refuge for the children of Deir Yassin. According to some accounts, the massacre only ended when the residents of Givat Sha'ul, alerted by the sound of gunfire and the passing truck with the young men, walked down to Deir Yassin to investigate.¹⁷

Former IDF Colonel Meir Pa'el was an eyewitness to the events at Deir Yassin. In 1948, Pa'el was a commander in the Palmach whose task was

¹⁴ Walid Khalidi, *All That Remains*. Washington, DC: Institute for Palestine Studies, 1992, p. 304-305.

¹⁵ *Ibid.*

¹⁶ Morris, Benny. *The Birth of the Palestinian Refugee Problem 1947-49*. Cambridge University Press, 1987, p. 115.

¹⁷ Daniel McGowen, eyewitness, interview on Deir Yassin.

to spy on the activities of the Lechi. On the night of 9 April, he followed the Lechi forces into Deir Yassin. According to his testimony, the massacre began when the villagers killed the commander of the Lechi forces. The enraged Lechi troops embarked on a killing rampage throughout the village. Pa'el quickly rushed to the Palmach mortar position, to the northwest of the village, to inform the fighters that a massacre was taking place and order them from the scene. He then spent the better part of 22 hours recording and photographing the events that took place. He began his report to the central command of the Haganah with the Bialk poem *In the City of Slaughter*, which recounts the events of the Kishniev pogrom. His report and photographs were sealed and remain so until today, even to Colonel Pa'el.¹⁸

Mainstream Jewish authorities, including the Jewish Agency and the **Chief Rabbinate** condemned the massacre at Deir Yassin. David Ben Gurion even sent a condolence message to King Abdallah, in which he strongly condemned the attack. Media in the Arab World focused on the event for weeks and details of the massacre were broadcast repeatedly in an effort to rally Arab public opinion. However, the most serious impact of the massacre and the subsequent media campaign was the widespread panic that it sparked in Arab villages throughout mandatory Palestine. Palestinian residents of the Jerusalem-area villages of **Malha**, **Qaluniya** and **Beit Iksa** fled. Lechi commander and later Prime Minister, Menachem Begin, boasted that the legend of Deir Yassin was worth half a dozen battalions to the forces of Israel.¹⁹

To reach the remains of the village of Deir Yassin, one must first travel through the Jewish neighborhood of **Givat Sha'ul**. This neighborhood was an early Jewish neighborhood of predominately Yemenite, Arabic-speaking Jews, which developed good relations with the village of Deir Yassin. Tensions between the villages only erupted during the rebellions of 1929 and 1936. In the aftermath of those uprisings, the mukhtars (village heads or mayors) of both villages decided to forge a non-aggression pact to ensure that neither village would take any action against the other and they would look out for each other. Both Givat Sha'ul and Deir Yassin attempted to be faithful to this agreement, to the point that when Iraqi irregulars attempted to use Deir Yassin as a base to attack Givat Sha'ul, the villagers drove

¹⁸ Interview with former Palmach commander Me'ir Pa'el, November 1996.

¹⁹ Morris, Benny, *The Birth of the Palestinian Refugee Problem*, op.cit., p. 114.

them out by force. The son of the mukhtar of Deir Yassin was killed in the clash with the Iraqis.²⁰

Kanefei Nesharim or Wings of Eagles Street was the main road between Givat Sha'ul and Deir Yassin in 1948. This road was also the only place in the western portion of the city straight enough and long enough to serve as an airstrip. Although Deir Yassin was loosely connected to the Palmach's Operation Nachson, the main strategic objective of securing Deir Yassin, in the eyes of the Haganah was to ensure that this road could be used if the airfield in East Jerusalem fell into Arab hands.²¹

The remains of Deir Yassin are almost completely intact within the confines of the **Kfar Sha'ul Mental Hospital** on the corner of Kanefei Nesharim and Katsenelbogen. This hospital, founded with the support of the Dutch Government in the 1950s, specializes in the treatment of Jerusalem Syndrome (a delirium that overtakes religious visitors to the city). Rather than razing the village and building a new complex, the founders of the hospital renovated the buildings of Deir Yassin and integrated them into their new facility. As a result, the village center remains eerily intact. In fact, a short jaunt up to the left of the hospital's main gate leads to the **Khan Rehabilitation Unit**, which is incorporated into the *khan*, or traditional inn, of Deir Yassin. Standing at the gate whose lintel still contains the old blue circle to ward off the evil eye, one can see the flagstone courtyard and almost picture village life before 1948.

- **LIFTA**

From the newly completed Menachem Begin Boulevard at the entrance of the city, one can still spot the remains of the village of Lifta hugging the sides of the Sorek Valley. In 1945, the population of Lifta was 2,550, with 410 homes. The village also contained an important water source, which was reputed to be the site of **Mey Neftoach** mentioned in the Bible.

Lifta suffered badly early in the War of 1948 as a result of its proximity to the entrance of the city and the desire of the Haganah to secure supply lines to Jerusalem. The local gas station owner was shot and

²⁰ Daniel McGowen, eyewitness, interview on Deir Yassin.

²¹ Former Palmach commander Me'ir Pa'el, interview, November 1996.

killed in December 1947, reputedly by the Lechi. In February 1948, the Lechi attacked the village coffee shop with machineguns and grenades. Most of the residents fled after this attack. The village remained abandoned while other villages were destroyed (such as Al-Qastel) or resettled (like Malha and Ein Kerem). As a result, Israeli soldiers were sent into the remains of the village to blow the roofs off the houses in order to prevent the residents from returning when the city's borders were opened after the War of 1967. The spring at the center of the village has become a popular bathing site for Ultra-Orthodox boys from Romema.

A guidebook for day trips in Israel gives the following description of Lifta and its history:

*Lifta had over 50 households in 1854, and in the 1870s, it was noted that around 300-400 residents were there. Around the beginning of the 20th Century the Arabs of the village of Lifta who owned many properties outside their own town limits, sold land to the Jews for the establishment of the [Jewish] communities of Mea Shearim and Sharie Hesed. During the Arab riots of 1936 and in the War of 1948, Lifta's residents disrupted the orderly movement of traffic on the Jaffa-Jerusalem road. During the War of Independence the people of Lifta deserted their homes.*²²

Becoming Refugees – One Family's Story

In 1947 Jamil Akil considered himself a fortunate man. From the village of Lifta, he was part of the large *hamula* or extended Akil family, which was one of the three large clans dominating the village. Jamil was a stonemason who also supplemented his income through farming on the 150-200 dunums owned by his immediate family. He had a wife and two children and one more on the way.

Although carving out an existence through manual labor was difficult, it was a good life and the village was a closely-knit community. His niece Fatima recalls how the village would celebrate weddings. Both the bride and the bridegroom would set out from their homes on horseback and would be crowned with a special golden cap. Everyone would come out to enjoy the festivities down by the

²² Joel Roskin, *A Guide to Hiking in Israel*. Jerusalem: The Jerusalem Post Press, 1991, p. 122.

spring, which marked the heart of the village. A feast of *mansaf* (traditional dish of rice and chicken) would follow.

By February 1948, the conflict, which had been consuming Jerusalem, spread into Lifta. The Haganah, which suspected the villagers of aiding the Palestinian militias in the hills of the Jerusalem corridor, began a series of attacks on the village. First, a bomb was tossed underneath a bus headed towards the village and 12 people were killed. Then a second militia group, presumably the Lechi, attacked the local coffee shop, spraying the patrons with bullets from their Tommy guns. Four villagers were killed in that attack. As the chaos of the coming war descended around them, the villagers attempted to defend themselves. Seventeen of the men from Lifta armed themselves and formed a militia of their own to ward off attacks from the Zionist forces. However, their meager store of munitions was discovered by the British who chased the Lifta militia away by firing rounds over their heads.

As it became clear that the lives of the villagers were in danger, the mukhtar of the village, also of the Akil clan, made the decision to evacuate the women and children. At that time, Jamil packed up his family and sent them to their fields on the slopes of Mt. Scopus, which was beyond the Jordanian lines. His wife Aisha, then 20 years of age went alone with her three children, including her baby daughter Nihad who was barely 40 days old. They made the day's journey along Wadi Sorek on foot and reached their fields in safety. Jamil stayed behind to try and defend his house, his fields and his village with a handful of other young men. In the weeks that followed, Jamil attempted to protect his property. The biggest challenge was scaring off burglars and looters who besieged the deserted village in search of food, munitions and anything else they could carry off. Jamil would try and frighten them away by firing in the air or else try and reason with them. He didn't want to kill anyone, just defend his home. He made a few nocturnal trips to Mt. Scopus to check on his family, but the route became increasingly dangerous as he often came under fire *en route*. Although he never remembers being afraid, when it finally became apparent that the battle was lost, he also fled Lifta and joined his family behind Jordanian lines. At first they thought it would be a matter of weeks before they could return home, but as the months dragged on the reality of their exile set in. The Akil family had become refugees.



Chapter 2

The Old City of Jerusalem - Inside Its Walls

Old City Statistics

	Population	number of dwellings	persons per dwelling
Moslem Quarter	22,100	3,313	6.7
Christian Quarter	4,900	1,119	4.4
Armenian Quarter	2,200	588	3.7
Jewish Quarter	2,400	548	4.3
Total	31,600	5,568	5.7

Source: Jerusalem Statistical Yearbook 1997.

Introduction

When the average person envisions Jerusalem, the picture that comes to mind is that of a walled city on a hill in the desert which is filled with religious shrines and most likely a few camels. For almost everyone the Old City is synonymous with Jerusalem. While it is the sacredness of the city and the shrines holy to Moslems, Christians and Jews, which define the religious tenor of the debate over the city's future, the national aspect is never far behind. Not surprisingly the Old City is the site of some of the fiercest battles for sovereignty, superiority and survival between Israelis and Palestinians. The one square kilometer of the Old City is a magnification of the national struggle for dominance in Jerusalem. Like the epicenter of an earthquake, inside the 500 year old walls one can find some of the most extreme examples of the challenges facing Palestinian Jerusalemites; the severest restrictions on building, the highest levels of over-crowding, and some of the most brutal seizures of homes at properties by radical settler organizations. In face of the near impossibility of unraveling the palimpsest of historical claims, there are tremendous gray areas that radical groups can find to justify their actions. With the impact of every movement here heightened by the religious significance of the sites, the Old City is a

tinder-box waiting to explode. This chapter covers the four quarters of the Old City, the impact of radical settler groups such as Ateret Cohanim, and the living conditions facing Palestinian residents.

The Old City

The Old City is built on the slopes of two hills with the center of the city falling along the basin of the **Tyropean Valley**. The main streets of the Old City still follow the Roman master plan with a *cardo* running north-south and a *decumanus* running east-west. Jerusalem's road plan is distinct from other Roman city's in that it has two *cardos*: **Khan Az-Zayt** street to the west and **Al-Wad** street to the east. This layout divides the city into four sections, or **quarters**, which in recent years has been used to promote the idea of ethnically distinct divisions to the Old City. Tourist maps of the Old City will refer to the city as including the **Moslem Quarter** (to the east), the **Christian Quarter** (west), the **Jewish Quarter** (south) and the **Armenian Quarter** (southwest).

These designations lead to the perception that ethnic separation is the natural order of existence in the Old City and Jerusalem as a whole. However, the Old City was no different than the rest of Jerusalem prior to the 1948 war. While members of communities tended to concentrate in the same areas or have separate compounds, it was possible to find Moslems living next to Jews or Christians, etc. The system of property ownership and rental agreements provides further testimony to the integrated nature of the city. For example, the majority of the property in the Jewish Quarter was owned by Moslems. Jewish families purchased long-term leases through the payment of key – money, which gave them **protected tenancy** status while the property remained legally registered to the Moslem owner.¹ In 1947, 795 dunums (191.25 acres) of the 800 dunums in the Old City (200 acres) were Arab owned. The remaining five dunums (1.25 acres) were Jewish owned. The population at that same time was 2,400 Jewish residents and 33,600 Arab residents.²

After the cease-fire of 1949, the Old City fell under the jurisdiction of the Jordanian government. Just as Jewish immigrants and refugees took up residence in the homes belonging to Palestinians in the West,

¹ Albert Aghazarian, Director of Public Relations, Birzeit University, March 1997.

² Interview with Salim Tamari, Institute of Jerusalem Studies, July 1997.

many refugees settled in properties left behind when the Jewish residents were expelled from the Old City. In order to avoid Jerusalem rising as a challenge to Amman's centrality as the capital, Jordan made few investments in the Old City and its development stagnated. Nonetheless, the major religious sites of the Old City still attracted tourists who helped maintain the economy.

For Jewish Israelis, the capture of the Old City in 1967 was nothing sort of miraculous as it ended 19 years of separation from the Jewish holy sites including the **Western Wall**. On the 30th anniversary of the war, Israeli newspapers ran countless first hand accounts of the pain of the separation of the Jewish people from their soul; the **Temple Mount**, and their subsequent joy at the cities reunification:

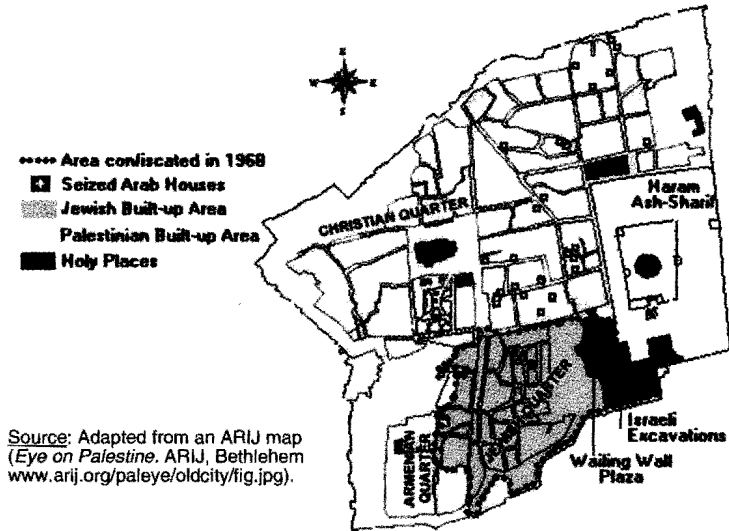
We would take class trips to Mount Zion, the only Jewish place in our hands. Teachers would point towards the Temple Mount and tell us that the Western Wall was there. The war itself was like a dream... We were scared but the fighting did not last long. When it was over the loudspeakers announced to the residents that the city had been liberated. The next thing I remember is the human wave. It seemed like every Jew in the city and others who had arrived from around the country were walking towards the Old City. Walking like we instinctively knew the way. We were pulled, like a magnet to the Western Wall.³

The triumphant return was seen as inherently righteous and has become a corner stone in Israeli mythology. As a result, Israeli actions within the Old City have consistently been justified as mere steps to right the historic wrongs done to Jewish residents and Jewish properties there.

While it was initially the Israeli government who overtly headed the drive to 'reclaim' the Jewish Heritage of the Old City, in recent years, radical settler groups such as **Ateret Cohanim**, **Nirot David** and **Elad** have taken up the torch of asserting a Jewish presence in all parts of the Old City. Although these groups are often dismissed as isolated radicals, their actions are tacitly approved and sometime covertly supported by both the municipal and national governments. For example, Ariel Sharon, in his capacity as Housing Minister, served as their conduit to important Israeli government agencies such as the **Israel Lands**

³ Steve Leibowitz, "United We Stand," *In Jerusalem*, May 30, 1997.

Administration, the Custodian of Absentee Property, the Jewish National Fund and the Justice Ministry. The main method these groups use for acquiring property is through the Custodian of Absentee Property. High Court petitions have been filed to force Elad, Nirod David and Ateret Cohanim to return the money and properties, which they have illegally acquired.⁴ Since the early 1980s, they have acquired 55 properties in the Moslem and Christian Quarters of the Old City.⁵



In the eyes of these groups, the Israel government dropped the ball of the historic right of return to the Jews to their natural home after the War of 1967. Now they are the standard bearers of this right in a righteous struggle to restore the natural ethnic balance to the Old City. They refer to their actions as a crusade against apartheid and an exercise in democracy, i.e., no segment of the city should be declared *Judenrein*. However, when challenged on the right of Palestinians to return to their properties in the Jewish Quarter or the rest of West Jerusalem, these groups are conspicuously silent.

⁴ "Living in Jerusalem". A Report by the Palestine Housing Rights Movement to the UN Committee on Economic, Social and Cultural Rights, May 1996, p. 12-13.

⁵ Khalil Tufakji, Arab Geographic Society. Jerusalem, June 1997.

JEWISH QUARTER

When descending St. James Street from the Armenian Quarter, one is greeted by a sign welcoming you to the Jewish Quarter, 'Restored 1974.' The quarter was completely rebuilt after the completion of extensive archeological work following the 1967 War.

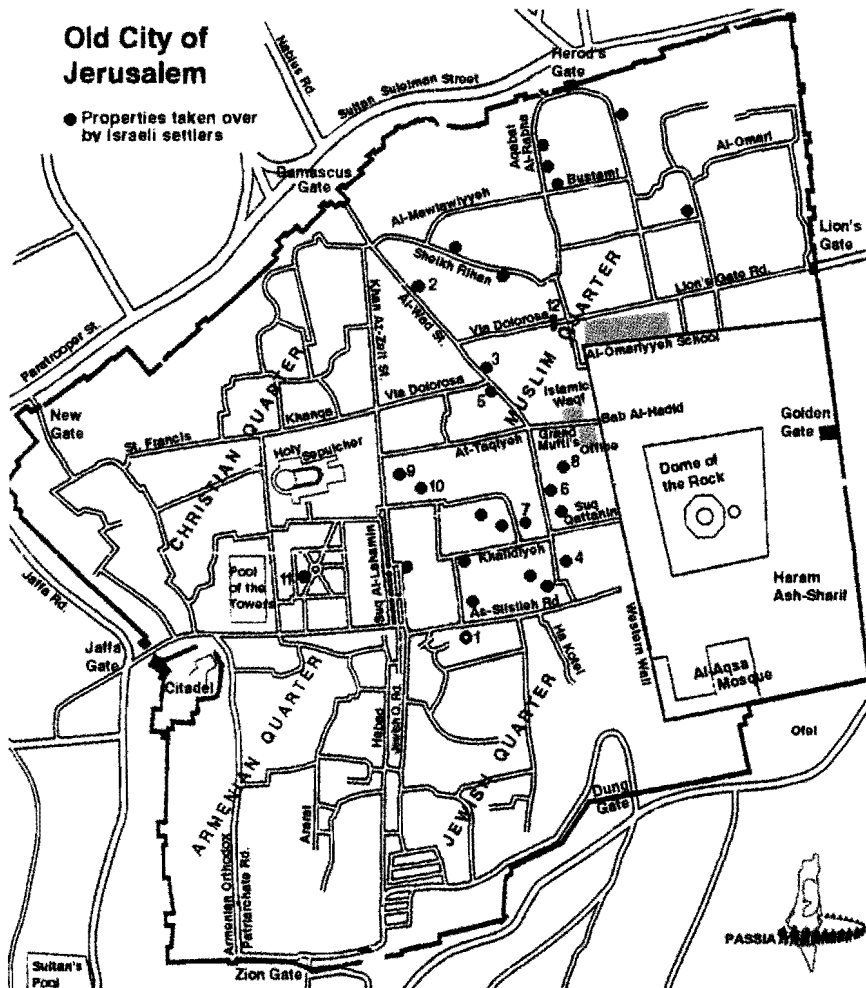
The Jewish Quarter is one of the most luxurious and coveted addresses in Jerusalem. Prices for apartments here range from US\$250,000 to US\$1,500,000.⁶ The quarter is extremely gentrified and almost completely Orthodox. There are some 550 dwellings in the quarter with an average floor area of 73 square meters. The population density of the quarter is 18.5 persons per quarter acre and the total population is 2,400 persons, many of them immigrants from the United States. The quarter is clean, well kept and well serviced. It boasts several nice restaurants, shopping areas, and a large central square lined with public phones and park benches.

The two most prominent structures in the Jewish Quarter are the remains of the Hurvrah Synagogue and the Sidna Omar Mosque. The synagogue was destroyed by the Jordanian Arab Legion after the War of 1948. Today, it remains in ruins, with the exception of a single reconstructed arch, to commemorate the destruction of the quarter and the expulsion of the Jewish residents during the battle for Jerusalem. Information plaques posted inside the structure detail the synagogue's history, highlighting how the Jordanians used the sanctuary as a sheep pen. The adjacent mosque is consistently referred to by Israeli tour guides as an example of the civilized nature of the Israeli conquest and subsequent rule of the city. As the mosque was not physically destroyed, they claim it proves Israel's commitment to respecting the religious rights of non-Jews in the city. However, these guides often neglect to mention that the mosque is sealed and are reluctant to answer why it goes unused.

Between wars, the area now called the Jewish Quarter was home to some 6,000 Palestinians. This included residents of the Sharaf neighborhood, and many refugees from West Jerusalem who were living in homes abandoned by Jews who fled the city. Immediately after Israel's capture of the Old City, these residents and refugees were expelled. Between 10 and 11 June 1967, the entire Sharaf neighborhood

⁶ *Jerusalem Post*, 21 March 1997.

was eradicated, some 700 buildings were demolished, and their residents turned out. On 28 June 1967 the Israeli government ordered the expropriation of some 116 dunums in the Old City to provide for the restoration of the Jewish Quarter. As a result of this expropriation the 'restored' Jewish Quarter is four times its original size.⁷



⁷ Eye on Palestine, ARIJ website (at www.arij.org).

- **The Burqan House** (no. 1 on the map)

On the corner of Shonei Halakhot and HaKhoma and directly diagonal from the **Yerushalim Yeshiva** is an impressive, Jerusalem stone house with high windows and green grating. The house, belonging to the Burqan family, lays bare the ultimate hypocrisy of the rhetoric and actions of the Israeli government. When Minister of Finance, Pinhas Sapir, ordered the confiscation of the Jewish Quarter, the order was executed on the grounds of restoring the ‘natural ethnic’ quality of the quarter and righting the wrongs carried out by the Jordanians between wars. This ruling effectively bared non-Jews from purchasing property or living in the area regardless of what deeds or titles they held. The Burqan family has deeds and titles that prove their family have had ownership of this house for 400 years. They fought the house's expropriation from 1968 until 1975. The Supreme Court finally ruled that, although Mr. Burqan had an unquestionable deed to the property and that the property was absolutely his, on the grounds of ‘public utility’ he had no right to live in his home. In 1977, the house was raided by police and Mr. Burqan and his family were forcibly expelled. The house was sold at a public auction. Mr. Burqan then went to the auction and attempted to buy the house, but was informed that as an Arab, he was not allowed to participate.⁸ After his eviction, Mr. Burqan built a new home in the area of **Pisgat Ze'ev**. When that settlement expanded, he was forced to move once again.

- **The Western Wall**

The Western, or Wailing Wall, is the holiest site in Judaism. The wall itself is the western portion of the retaining wall built to support the Temple Mount (Haram Ash-Sharif), a holy site in Islam. The lowest stones of the wall date back to Herodian times. It has been a focal point of Jewish prayer and a symbol of Jewish exile from Jerusalem since time immemorial. Its holiness is derived from its proximity to the site of the **First and Second Temples**. However, it is symbolic because it is the closest place to the temple area that Jews are allowed to reach until the Messiah arrives and the temple is rebuilt. Separation from the wall between 1948 and 1967 was a deep wound in the Jewish psyche. Its ‘liberation’ after the Six Day War is widely interpreted as proof of the divine nature of Israel's victory.

⁸ Interview with Albert Aghazarian, Director of Public Relations - Birzeit University, July 1996.

This site is also holy to Moslems who regard it as the place where Mohammed hitched his horse before his midnight ascent to heaven. The contested nature of this site has long been the source of Moslem-Jewish tension in the Old City. Numerous clashes and riots have resulted from attempts to alter the *status quo* in this hot spot.

- **Moroccan Quarter**

When entering the Western Wall plaza from the main street of the Bazaar, peer over the wall just past the metal detectors. There, one will see several homes, which appear disconnected from the recently reconstructed homes of the Jewish Quarter. This small collection of homes is all that remains of the Moroccan Quarter which was destroyed by Former Mayor Teddy Kollek after the Six Day War in order to provide Jewish pilgrims 'access' to the Western Wall. Like the Afghani quarter and the Sudanese Quarter, this area was populated by Moslems of Moroccan ancestry who had come to live in Jerusalem for religious reasons. Reviewing the site, and in anticipation of the thousands of Jewish pilgrims who would be flooding Jerusalem to visit the Wall, Mayor Kollek decided that Jewish access to the wall took precedence over an Arab neighborhood. The 638 residents of the Moroccan Quarter were given two hours notice to evacuate their homes. Over 135 homes were demolished in order to clear the plaza.⁹

SILWAN

Just outside of the walls of Old City near the **Maghreb Gate** is the entrance to the neighborhood of Silwan, which is also known as the **City of David**. There are currently plans underway to link the City of David with the Jewish quarter of the Old City through the construction of a large tourist complex. The Israeli government has already cut a new gate into the Old City Wall just next to the Maghreb Gate to facilitate this connection. Israeli settlement plans in Silwan are dramatically disrupting the life of the neighborhood's Palestinian residents and are preventing its natural development.

Historically, Silwan is built on the location of the Jebusite city of Jerusalem, conquered by David some 3,000 years ago. Towards the end of the 19th Century, Silwan was home to some 150 Yemenite Jewish

⁹ Ibrahim Mattar, "The Transformation of Jerusalem: 1948-1997", July 1997, p. 10.

families who had immigrated to Jerusalem for religious purposes. These families fled to the New City after the riots of 1936-39.¹⁰ Today, Silwan is a Moslem neighborhood with some 30,000 residents. It has also been the persistent target of Jewish settler groups, such as **Elad**, that forcibly move into properties they have procured, sometimes under dubious circumstances, from the **Custodian of Absentee Properties**. To date, some twelve homes in Silwan have been taken over by Jewish settlers. The settlers have set up a large visitor's complex at the entrance to Silwan and have a private security service to protect them from the Palestinian residents. Most recently, four homes in Silwan were taken over by force on 8 June 1998.

The imposition of these families into the neighborhood and the enormous police presence that accompanies them are a major source of irritation and intimidation for the residents of Silwan. The entrance to Silwan today appears like an armed camp. Settlers move about the neighborhood toting machine guns or under armed escort. However, according to spokesmen for **Ateret Cohanim**, the police and the Israeli secret service reported to the Supreme Court that the presence of Jewish settlers in Silwan served to "pacify the area and bring a semblance of peace and quiet for Arab and Jew alike."¹¹ The Israeli government reportedly pays US\$2 million annually to provide settlers in Silwan with security services.¹²

MOSLEM QUARTER

With 438 dunums the largest of the Old City's quarters, the Moslem Quarter is home to approximately 22,000 Palestinian Moslems, 62 Jewish settler families and 400 Yeshiva students of the Ateret Cohanim movement.¹³ The Moslem Quarter can be viewed as a microcosm of the problems facing Palestinians living in Jerusalem today. Most houses in this quarter suffer from inadequate ventilation, dampness, lack of proper lighting and are often not connected to the sewerage main. The average family in the Moslem Quarter lives in a two-room flat, with each room amounting to 4 x 4 meters. These rooms

¹⁰ Ateret Cohanim website at www.ateret.learnsills.com.

¹¹ *Ibid.*

¹² *Documents on Jerusalem*. Jerusalem: PASSIA, 1997, p. 324.

¹³ "Jews Can Move to East Jerusalem Without PMs Nod," *Ha'aretz*, English Edition, 11 June 1998.

serve as sleeping, living, and kitchen areas. In many cases, several families share communal bathroom facilities.¹⁴ Population density per dunum in the Moslem Quarter is the highest for all of Jerusalem with some 50 persons per quarter acre. There is no chance of this situation being alleviated in the current political climate as the median age for the Moslem Quarter is 16. Building permits in this area are severely restricted.

Further exacerbating the situation is the presence of extreme right wing settler groups, such as **Ateret Cohanim** who strive to 'return' as many Jews as possible to the area they refer to as the 'Syrian-Jewish Quarter.' According to Ateret Cohanim, Jews constituted a majority in all quarters of the Old City and amounted to 70 percent of the population of the Moslem Quarter before the riots of 1929 and 1936 drove them out. The current Arab residents of the Moslem Quarter are, in their eyes, "terrorists, plunderers of Jewish property, insurgents and squatters, intermingled with peaceful law-abiding residents...". Furthermore, Ateret Cohanim asserts that the government's 'mosaic' approach to Jerusalem - keeping neighborhoods ethnically homogeneous - smacks of apartheid. "In a true democracy," they assert "no one has the right to stop anyone from living where they choose. To do so is called discrimination."¹⁵

BURJ LAQLAQ QUARTER

• Moroccan House/Settlement

Directly adjacent to Herod's Gate is a settler complex, recognizable by its high fence and guard tower. The property was owned by a Palestinian family of Moroccan origin. The family immigrated to the United States in the 1970s. Israeli settlers squatted here in 1986. However, as the property fell into the category of Absentee Lands, it was transferred to settler ownership through the office of the **Custodian of Absentee Property**. It currently houses three Jewish families. This settlement is a key anchor in a plan by Ariel Sharon to construct 200 units for Jews within the Old City.¹⁶ This plan will overtake the

¹⁴ "Living in Jerusalem", Palestine Housing Rights Movement, op.cit., p. 42.

¹⁵ Ateret Cohanim website.

¹⁶ Mahmoud Jedda, Palestine Human Rights Information Center, April 1997.

area of the Burj Laqlaq Quarter, from Herod's Gate all the way to the Stork Tower at the northeastern extreme of the Old City.

The Burj Laqlaq area actually consists of three pieces of land: one plot belonging to the Darwish family, the second to the Khalidi family and the third belonging to the municipality after its purchase from the **Russian Orthodox Church**. That half-acre plot was purchased by the **Israeli Ministry of Agriculture** for approximately US\$1 million in the 1980s.¹⁷ The original plan was to start a plant nursery on the site, however that plan was abandoned in 1991 when the ownership of the property was transferred to the Jerusalem Municipality.¹⁸ The 6,435 square meters of the Darwish family land is classified as a green area. which prevents the construction of any buildings. The Khalidi family land, comprising 1,440 square meters is slightly lower than the Darwish family land. The playground on the Darwish family land was built illegally, as the land is zoned as green land. In order to prevent soldiers from disrupting the construction, the members of the community wore kippas so as to pass themselves off as settlers.¹⁹

In 1991, Ariel Sharon, then Minister of Housing in the Shamir government, drew up a plan to occupy the land adjacent to the Old City walls here. The Israeli newspapers reported a plan to build two hundred units from the **Stork Tower** (the tower on the corner) to the anchor settlement next to Herod's Gate. The plan refers to 10-12 dunums of land, although the municipality only owns the two dunums sold to them by Russian Orthodox Church.

The Burj Laqlaq Community Association took measures to prevent the pending expropriation of the remaining ten dunums. As building and zoning restrictions prevented them from applying for permits to erect permanent structures on the site, they attempted to enforce their own status quo with measures that circumvented Israeli law. The playground and the soccer field were part of this plan. They also built a mobile kindergarten using a pre-fabricated structure which allowed them to legally avoid seeking permit. The society also constructed a community center for the handicapped and elderly.²⁰ They received

¹⁷ Ibid.

¹⁸ "Living in Jerusalem", Palestine Housing Rights Movement, op.cit.

¹⁹ Mahmoud Jedda, Palestine Human Rights Information Center, April 1997.

²⁰ "Living in Jerusalem", Palestine Housing Rights Movement, op.cit.

funding from CIDA to support the activities.²¹ The community center received demolition orders in August of 1996. At 4:00 a.m. on 27 August 1996 Israeli bulldozers entered the Moslem Quarter of the Old City of Jerusalem, protected by hundreds of border police and a helicopter, and completely demolished the center.²² The land is now effectively held open until the municipality proceeds with Ariel Sharon's plans for the site.

In May of 1998, following the stabbing of Ateret Cohanim Yeshiva student Haim Korman, the settler group decided to jump-start the municipality's plans by erecting seven tin shacks on the Russian Church property. The move by Ateret Cohanim sparked violent protests in the Old City and brought quick international condemnation. Jerusalem Mayor Ehud Olmert ordered the demolition of the structures on the grounds that the group had not followed the appropriate procedures by applying for permits, even though he went on record as saying he had no objection to their building on the site in principle. A last minute compromise was worked out between the settler group and the municipality. They dismantled the shacks on their own and allowed the **Israeli Antiquities Authority** to conduct a dig on the site, while Ateret Cohanim representatives participated. Although it appears Sharon's plan is halted for the moment, in 1968, members of **Gush Emunim** were given permission to dig at the site of **Shilo** in the West Bank in another government compromise. The compromise was long forgotten when the dig quietly turned into a settlement.²³

AL WAD STREET AND ATERET COHANIM PROPERTIES

- **Ariel Sharon's House** (no. 2 on the map)

From the top of Damascus Gate, looking due south, one can spot a large building bearing a conspicuous Israeli Flag. This house was sold to Ateret Cohanim from the Palestinian owner. The circumstances leading up to this sale were most likely a case of blackmail. The Qawasmi family still lives next door.²⁴ Ariel Sharon, who is now rarely there except for ceremonial visits, took possession of the house

²¹ Mahmoud Jedda, Palestine Human Rights Information Center, April 1997.

²² LAWE Press Release, 27 August 1996.

²³ Gershon Gorenberg, "Before the Storm," *The Jerusalem Report*, 6 July 1998 p. 11.

²⁴ Mahmoud Jedda, Palestine Human Rights Information Center, April 1997.

on 15 December 1987. He has long been a champion of groups like Ateret Cohanim, Nir David and Elad which deliberately target Palestinian properties in the Old City. For example, Sharon, the current Minister of Infrastructure, reportedly raised US\$20 million for Ateret Cohanim at a single fundraising event in New York.²⁵

- **Ateret Cohanim Yeshiva** (no. 3 on the map)

This building belonged to the Al-Pasha family. According to family legend, a member of the Moslem Al-Pasha fell in love with a Jewish woman. After they married, he built her a synagogue in one room of the house. The couple was separated by the war and the synagogue was sealed. When the Israelis conquered the Old City, the legend continues that the keys of the synagogue were handed to the soldiers, since it “belonged to the Jews.” The property was subsequently purchased by Ateret Cohanim through the Custodian of Absentee Property.²⁶

- **Ateret Cohanim** (no. 4 on the map)

The group was founded in the early 1980s, with the explicit mandate to ‘Judaize’ the Old City. Ateret Cohanim describes itself as follows:

*...a national movement which aspires to renew and bolster the Jewish presence in the heart of Jerusalem which was eradicated by the Arab riots in the 1930s. The pioneering spirit is still alive in the eternal capital of the Jewish people, as stone by stone, house by house the Old City is restored to its rightful owners. Ateret Cohanim is a moral movement, which does not believe that ends justify the means or that nationalism negates morality. The movement's activism is bound by a strict non-violent approach with in the framework of law and order. Ateret Cohanim holds dear the imperative to love and respect every Jew and to coexist in peace with the non-Jewish minorities, which live among us. Over the past decade Ateret Cohanim has brought 60 families back to the Old City and currently has a waiting list of 300 families seeking homes once available. When properties become available initial contact is made with prospective sellers in the most clandestine manner possible. Ateret Cohanim goes to great lengths to protect those who sell property and covers all relocation expenses for the families involved.*²⁷

²⁵ Eye on Palestine, ARIJ website.

²⁶ Mahmoud Jedda, Palestine Human Rights Information Center, April 1997.

²⁷ Ateret Cohanim website.

These groups are also widely supported and financed by the Jerusalem Municipality. Immediately after his election in 1993, Jerusalem Mayor Ehud Olmert announced that “every Jew can purchase property anywhere in Jerusalem,” and that he would “ensure complete rule of the people of Israel over the entire city.” At a May 1995 fundraising dinner for Ateret Cohanim in New York, Mayor Olmert phoned in his support of the groups efforts to purchase properties in the Old City.²⁸ This group has over 30 properties in the Moslem Quarter alone and more than 70 Palestinian-owned properties throughout Jerusalem. They pay sums in the millions for these properties and when legitimate purchase fails, they have been accused of forging documents and resorting to blackmail to induce the residents or tenants to sell.

- **Young Israel Yeshiva** (no. 5 on the map)

This property was sold by Salah Dallal under threat of blackmail.²⁹ One Palestinian family still lives in the rooms adjoining the entrance. They are able to stay in the house because of their protected tenancy status, despite numerous attempts by the settlers to dislodge them.³⁰

- **At-Tarahi Family House** (no. 6 on the map)

This house belongs to the At-Tarahi family, but was ordered to be sealed in 1970, after members of the household were charged with planting a bomb.³¹ After a stabbing incident in 1980, Ateret Cohanim took over the house on the grounds that they needed the outpost to ensure appropriate security. They also offered Mr. At-Tarahi US\$4 million to purchase the property out right which he refused. After a protracted court battle, the settlers were forced to abandon the house and it remained sealed until November 1997 when the shooting death of an Ateret Cohanim Yeshiva student prompted Prime Minister Netanyahu to call for another point of police presence in the Old City.³² Thus, on 21 November 1997, one day after the attack, the Israeli police seized the At-Tarahi family house and set up a new police station. Furthermore, in the interest of protecting the Ateret Cohanim

²⁸ *Documents of Palestine*, PASSIA, op.cit., p. 321, 330.

²⁹ Mahmoud Jedda, Palestine Human Rights Information Center, April 1997.

³⁰ Khalil Tufakji, Arab Geographic Society, Jerusalem, June 1997.

³¹ Mahmoud Jedda, Palestine Human Rights Information Center, April 1997.

³² Jeffery Heller, “Israel Reaffirms Hold on Jerusalem,” Reuters, Thursday, 20 November 1997.

settlers, the police also announced the installation of 200 video cameras in the area to provide around the clock surveillance.³³

- **Beit Knesset Ohel Be'Tzion** (no. 7 on the map)

Ateret Cohanim originally purchased one room from a Yemeni family called Al-Casha, and then all forced all eight remaining families out.³⁴

- **Ha Kotel Ha-Kitan** (The Small Wall)

According to spokesmen of Ateret Cohanim, use of this site dates from time immemorial. However, local residents attest that the site was first used in 1978. It is because of this site that Ateret Cohanim refers to this neighborhood as the 'Kotel Quarter.'

- **Zorba Family compound** (no. 8 on the map)

In 1984, representatives from Ateret Cohanim came with papers to the widowed matriarch of the Zorba family, indicating that she would be able to collect on her insurance and social security benefits if she signed them. In reality she transferred ownership to Ateret Cohanim. The family was able to regain 30 rooms through court action, but settlers retain the top floor of the structure. They regularly harass the Zorba family by shining bright lights into their quarters or dumping garbage and wastewater onto them from the top story windows. The family also owns a plot immediately behind the Ateret Cohanim headquarters. One of the family members attempted to build there, but was told by the municipality that he would only get a permit for that plot if he agreed to facilitate the transfer of the Zorba compound to the settler group. He attempted to build without a permit there nonetheless and the structure was demolished after he was levied a 40,000 NIS fine.³⁵

- **Suq Al-Qattan**

The 100 meter long and ten meter wide suq was originally reconstructed in 1336 AD during the reign of Sultan Mohammed Ibn Ka'alun. It was renovated in 1890 and again in 1927. Renovations amounting to 100,000 Jordanian Dinars were completed in 1974 under the auspices of the Moslem Waqf in order to rehabilitate this

³³ *Eye on Palestine*, ARIJ website.

³⁴ Mahmoud Jedda, Palestine Human Rights Information Center, April 1997.

³⁵ *Ibid.*

section of the Old City. The municipality approved the renovations and then stipulated that no business licenses would be issued for the market unless half of the businesses were allocated to Jewish owners.³⁶

- **Diskin Complex** (Al-Huldia St., nos. 9 and 10 on the map)

In the 1980s, a group known as Ateret L'Yoshna purchased properties in the Moslem Quarter that had served as a Jewish orphanage in the late 1800s. In the 1880s, the property had been owned by the Rabbi Moshe Wittenberg. After World War I, the orphanage moved to the Russian compound, outside of the city walls and the Old City property was leased out to several families.³⁷ The Zaru family was one of the families owning a protected tenancy in the complex when the settler group purchased the property. In 1986, the family was evicted and a settler family by the name of Arend moved into the Zaru's home. The Zaru family successfully challenged the eviction on the grounds that a protected tenant cannot be evicted even if the actual ownership changes hands. In 1992, the family returned to their home.³⁸ However, court proceedings continued and on 25 May 1998 the Zaru family was evicted once again. Currently ten families affiliated with Ateret Cohanim live in the complex.

The Taking Over of Palestinian Homes – The Case of the Zaru Family

Mrs. Na'iala Zaru lived in a small two-room apartment in the Old City that her family had rented for nearly 60 years. Although modest, the apartment was home. It was the same home where she and her children were born. The family lived peacefully in the Old City neighborhood until Jewish settlers took up residence in the apartments around them. The Zaru family soon discovered that their home was among the properties purchased by the settler group. In 1986, Mrs. Zaru and her family found themselves out on the street, evicted by a court order filed on behalf of the settler group. Undaunted, they fought back in the courts. They knew they had a legal right to remain in their home even though the settler group had purchased the property.

³⁶ Ibid.

³⁷ "Diskin Orphanage," Ateret Cohanim, ateret.learnskills.com.

³⁸ "Settlers Illegally Take Over Palestinian Home in Old City," LAW Press Release, 26 May 1998.

Mrs. Zaru and her family were protected tenants. When her father put up the key money for the flat, he had purchased the right for his family to remain tenants until they willingly relinquished the lease. It was a standard practice in the Old City as so much of the actual property was held in trust and could not be purchased outright. Instead, families like the Zaru's purchased what amounted to permanent rental agreements that could be handed down from generation to generation. In 1992, she finally won the right to move her family back into her home.

Once restored, she would happily show off her house to visitors. Proud of her victory, she would point out the renovations completed by the settlers from which she and her family could benefit. They had applied for permission to renovate the apartment many times, but the municipality had always turned them down with stern instructions that any renovations without a permit could result in a demolition order against them. The settlers apparently had an easier time obtaining permits and had completely redone the apartment. They had added new electrical wiring and water faucets that worked all of the time. Even though relations with her new Jewish 'neighbors' were tense, Mrs. Zaru was home and that was all that mattered.

On 25 May 1998 at 9:00 a.m. Mrs. Zaru awoke to find her home filled with Israeli police, guard dogs, and 30 settlers from the Ateret Cohanim group. She screamed for her son who had already left for work. She was completely alone when the intruders tossed her and all the families belongings into the street. Unbeknownst to her, the settler group had won a court ruling the day before which gave them the right to remove her from her home. Helpless, she watched as the police assisted the settlers in moving furnishings into the apartment. Guards were immediately posted at the entrance and an Israeli flag was hung over her door. Mrs. Zaru is once again without a home.



CHRISTIAN QUARTER

- **St. John's Hospice** (opposite Muristan Square; no. 11 on the map. Notice the Israeli flags hanging from second floor windows.)

St. John's Hospice was established by Father Eftimos, a Greek Orthodox monk, over a hundred years ago. From 1950 until 1990, an Armenian lived in the property as a protected tenant. In April 1990, 150 settlers associated with Ateret Cohanim moved into this building in the middle of the Orthodox Easter. They claimed that the building had belonged to Jewish merchants who had been forced out of the Old City by the riots of 1929.

The group, calling itself the 'Lights of David,' purchased the property from the Armenian tenant, Martyros Matossian. They are reported to have paid US\$5 million for the property. The funds used to purchase the lease were later traced to the Israeli Ministry of Housing, then headed by Ariel Sharon.³⁹ The proximity of the property to the **Church of the Holy Sepulcher** and the timing of the move in the middle of Holy Week, sparked local riots and international condemnation.⁴⁰

A lawsuit ensued over the property, as Matossian was only a protected tenant and the property itself belonged to the **Greek Orthodox Patriarchate**. The protracted legal battle over who retains ownership and whether the settlers have the right to remain in the building has yet to be resolved. The interim agreement worked out by the courts determined that the settlers have the right to post guards at the building and that maintenance personnel were allowed to carry out work. However, the end result is that over 150 'guards' and 'maintenance workers', including children, currently reside in the building, despite the court orders.⁴¹

The settler group refer to St. John's Hospice as **Neot David** ('Oasis of David'). They defend their purchase of St. John's Hospice as part and parcel of the restoration of the Jewish presence to the Christian Quarter. According to their publications, tens of Jewish families lived and operated businesses in the Christian Quarter and were expelled in the riots of 1929 and 1936. A photograph of a Jewish wedding ceremony held at the Hospice is used to further bolster their claim to the building. In their words, the purchase of St. John's Hospice was the defining moment of Ateret Cohanim's struggle to reclaim lost Jewish property in the Old City. It was with this purchase that Ateret Cohanim "burst forth into the spotlight as the champions of Jewish rights in East Jerusalem."⁴²

³⁹ Daniel Rossing, former head of Christian Affairs for the Ministry of Religious Affairs, 13 October 1997.

⁴⁰ *In Jerusalem*, 13 April 1990.

⁴¹ Daniel Rossing, *Melitz*, March 1997.

⁴² "Jewish Life in the Old City," Ateret Cohanim, website, ateret.learnskills.com.

- **Tunnel Exit** (no. 12 on the map; opposite the First Station of the Cross on the Via Dolorosa)

On 24 September 1996, slightly before dawn, the Israeli army opened this exit to an archeological park called the **Hasmonean Tunnel**. Most of the 491-meter underpass, which runs directly adjacent to the foundations of the Haram Ash-Sharif, had been open and accessible to tourists for several years. The lack of a second opening required a U-turn at the end of the tour and limited the number of tourists who could access the site. Justification for opening the tunnel was to ease the flow of tourists expected for the Jewish pilgrimage holiday of Succoth.

However, due to the proximity of the excavations to the foundation of the **Haram Ash-Sharif**, Moslem authorities have consistently charged that all such excavations are dangerous to the structural integrity of the compound. The sensitive nature of this opening was well known to all parties involved. A planned opening in 1988 was canceled in light of the virulent Palestinian reaction. While the few remaining meters posed little threat to the integrity of the Haram Ash-Sharif, the opening was interpreted as an exercise in demonstrating unquestioned Israeli sovereignty in Jerusalem. Such changes in the *status quo* are viewed by local religious authorities as an attempt to undermine their protected rights in the city. Ironically, it was the Christian community that was most effected by the opening of the tunnel. The location of the opening, at the beginning of the **Via Dolorosa** has now disrupted pilgrimage traffic along the route to the cross by the large numbers of Jewish tourists exiting the site and the large military presence that the site demands.

The clashes that resulted from the tunnels opening marked the worst violence in the West Bank for years. In the violence that ensued, 59 Palestinians and 14 Israelis were killed, in addition to the thousands who were wounded.⁴³

Although these settler groups are often dismissed as isolated radicals, their actions are tacitly approved and sometime covertly supported by both the municipal and national governments. For example, Ariel Sharon, in his capacity as Housing Minister, served as their conduit to important Israeli government agencies such as the Israel Lands Ad-

⁴³ *Time*, October 7, 1996, p. 23.

ministration, the Custodian of Absentee Property, the Jewish National Fund and the Justice Ministry. The main method they use for acquiring property is through the Custodian of Absentee Property. High Court petitions have been filed to force these groups to return the illegally obtained money and to return the properties, which they have illegally acquired. Since the early 1980s, they have acquired 55 properties in the Moslem and Christian Quarters of the Old City.

In the eyes of these groups, the Israel government dropped the ball of the historic right of return to the Jews to their natural home after the War of 1967. Now they are the standard bearers of that right in a holy struggle to restore the natural ethnic balance to the Old City. They refer to their actions as a crusade against apartheid and an exercise in democracy to assure that no segment of the city will be declared *Judenrein*. However, when challenged on the right of Palestinians to return to their properties in the Jewish Quarter or the rest of West Jerusalem, these groups are conspicuously silent.

Chapter 3

Israeli Settlements in East Jerusalem Since 1967

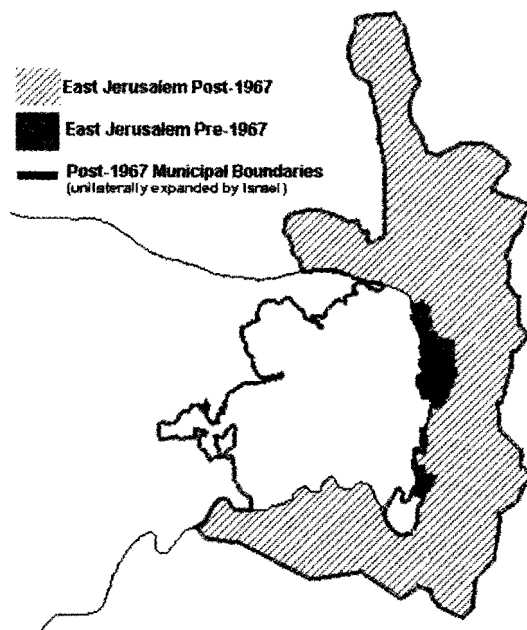
Walk into the Dominos Pizza outlet in **French Hill** and make the following statement: “This neighborhood is a settlement. It is illegal according to International Law and must be dismantled in the event of a peace settlement between Israelis and Palestinians.”

Even if made in perfect Hebrew, the statement would most likely be met with confused stares or laughter. Make this same statement about French Hill to a Palestinian Jerusalemite from the nearby village of Issawiya and it will most likely result in the same response. The only difference will be the acknowledgment that the Jerusalem neighborhood was built on land from the village. These reactions attest to the effectiveness of the Israeli strategy of creating facts on the ground as a method of holding territory acquired by war.

Established in 1968, the 30-year-old settlement is an accomplished fact. Parents that have raised children in French Hill now have their grandchildren living just around the corner. It is inconceivable that any of these residents would see themselves as settlers in an impermanent settlement project. Its weathered buildings and well-worn strip malls are a testament to the neighborhood's permanence. Furthermore, not even the most idealistic of Palestinian negotiators would ever dream of French Hill being dismantled as part of a final status agreement.

Nonetheless, French Hill is a settlement, built on land expropriated from Palestinians in an area that was under Jordanian control prior to 1967, when it was annexed to Israel. According to International Law, Israel's use of land occupied during 1967 for purposes other than the benefit of the occupied population and the transfer of its own civilian

population there is strictly prohibited. Yet, 30 years later these statutes seem irrelevant and, unless international pressure prevails, 30 years from now people will feel the same way about the proposed **Har Homa** settlement at the city's southern boundary. This chapter will cover the settlements constructed within the Israeli-defined boundaries of Jerusalem since 1967.



Overview

A quick glance at the map of the municipal boundaries of Jerusalem reveals a cartographer's nightmare of twists and turns, with odd fingers jutting out into the **West Bank**. The explanation behind this odd configuration is fairly straightforward. From the perspective of Israeli generals like Moshe Dayan who drew these boundaries, strategic considerations - elevated areas, the airport and naturally defensible terrain - reigned supreme. However, these boundaries were also governed by a second principle: the maximum empty land with the minimum non-Jewish population. These new boundaries, which included 16,500 acres of the West Bank in addition to the area designated to the **Jor-**

danian Jerusalem Municipality, became the framework within which the Israeli Government would implement policy designed to physically secure its control over the city. The basic strategy was to create geographic integrity between **West Jerusalem** and the newly annexed **East Jerusalem** through settlement construction. Thus, settlements were constructed in strategic locations around the city's borders to create a chain of settlements that separates East Jerusalem from the West Bank and links it to Israel proper.

The powers that be in Israel made decisions about the shape of the city's master plan immediately after the war. Policies were developed accordingly and plans were laid, although it was clear they could not be enacted overnight. The ultimate success of Israeli plans would take a massive infusion of resources and would also engender severe international criticism. Thus, Israel opted for what became known as the 'sliced salami method' – a gradual spacing out of the planning process until resources were available, internal consensus was secured and international protest could be minimized.

The first step in the process was to expropriate land under the guise of eminent domain. The legal mechanism used to carry this out was the **Acquisition for Public Purposes Lands Ordinance of 1943**, which authorizes the Minister of Finance to issue expropriation orders for land that is privately owned if a public purpose exists that justifies its expropriation. This ordinance defines a public purpose as any purpose the Minister of Finance approves as a public purpose. The **Jerusalem Master Plan of 1968** plainly states that the areas of land needed for development in Jerusalem were privately held by Palestinian landowners.

*The majority of the municipal land reserves that are amenable to development are in private [Palestinians] hands. The effective development of the city will require the expropriation of substantial areas.*¹

Thus, the legal and political groundwork was laid for the expropriation of private Palestinian land to be used in bringing the Israeli plans for the city to fruition.

¹ *Jerusalem Master Plan*, 1968. Vol. 1, p. 34, as quoted in Felner, Eitan, *A Policy of Discrimination*. Jerusalem: B'Tselem, 1995.

Land expropriation has occurred in five main phases since 1967. The first phase was carried out immediately after the city's conquest when the Israelis confiscated more than 120 dunums of land in the **Old City**. More than 5,000 Palestinian residents of the Old City were evicted and lost their property.² The second phase began in January of 1968 when 4,000 dunums of prime real estate were taken from the Palestinian neighborhoods of **Sheikh Jarrah**, **Shu'fat**, and **Issawiya**. In the third phase, which took place in the early 1970s, 14,000 dunums were taken from **Sur Baher** and **Beit Jala**, as well as additional territory from **Beit Hanina** and **Shu'fat**. In March of 1980, the fourth phase began with the confiscation of 4,500 dunums from **Beit Hanina** and **Hizma**.³ The fifth and most recent phase occurred in 1991 with the expropriation of an additional 2,000 dunums from **Um Tuba**, **Sur Baher**, **Beit Sahour**, **Bethlehem**, **Beit Safafa** and **Beit Jala**.

To date Israel has expropriated a total of 24,000 dunums of Palestinian land in East Jerusalem for the construction of Jewish settlements. This figure amounts to 34 percent of the total available land in East Jerusalem. An additional 6,000 dunums of southern Jerusalem land, or 8.5 percent of East Jerusalem, is currently slated for expropriation. This brings the total area of land confiscated over the five phases to 30,000 dunums.⁴ Thus, Israel has been able to obtain direct control of 42.5 percent of the land in East Jerusalem for settlements or road construction since the War of 1967.

Like the land expropriation in East Jerusalem, settlement construction also occurred in a series of strategic phases designed to fulfill Israeli plans for geographic integrity without opposition. The first occurred immediately after the War of 1967 and targeted areas surrounding the **Mount Scopus** campus of the **Hebrew University**. In the second phase, which began in the 1970s, the municipality began to build a barrier between East Jerusalem and the West Bank. The following two phases involved the establishment of an outer ring of settlements to further surround the city. The plans for the final phase, mostly revealed during the Rabin administration, will constitute a closing of the gaps between the key settlements in the north and south, thereby

² Ibrahim Mattar, *To Whom Does Jerusalem Belong?* Washington, DC: Center for Policy Analysis on Palestine, 1994, p. 7.

³ *Ibid.*, p. 12.

⁴ *Report on Israeli Settlement*, Foundation for Middle East Peace, July 1995, p. 5.

completing the chain of settlements around the Palestinian neighborhoods of the city.

The construction of the settlements in Jerusalem progressed as follows:

Post-War Repairs: **French Hill** (1968) and **Ramat Eshkol** (1968). These settlements were planned as an immediate reaction to the division of the city between 1948 and 1967⁵ and formed the Northern Door Latch to bind Mt. Scopus to West Jerusalem.

Phase I: **Gilo** (1971), **Neve Ya'acov** (1972), **Ramot** (1973), **East Talpiot** (1973). These settlements formed the initial anchors to the southwest, northeast, northwest and southeast of the city.

Phase II: **Pisgat Ze'ev** (1985) created a secondary link between Neve Ya'acov and, ultimately, French Hill.

Phase III: **Reches Shu'fat** (1994): Expropriation orders were issued in the 1990s for the new settlements of Har Homa and Eastern Gate, which will link with Ma'aleh Adumim, Givat HaMatos and 'Settlement X'. These settlements fill in the gaps left by the last two settlement phases. Once tied together by the ring road, or beltway, East Jerusalem will be completely separated from the West Bank by settlements.

Since 1967, the municipality has planned and overseen the construction of 13 major Jewish settlements in East Jerusalem. These settlements, or neighborhoods, as Jerusalem city planners refer to them, have completely altered the landscape of East Jerusalem. If the additional settlements that are currently on the municipality's agenda are built, Palestinian East Jerusalem will be completely engulfed in Israeli settlements.

⁵ Interview with advocate Danny Zeidman, July 1996.

The Battle of the Akil Family

In 1950, after fleeing Liffa, Jamil Akil and his family started over again on their family land in the Sheikh Jarrah neighborhood. They lost of their home was a deep wound, the Akil family felt blessed as they had enough to begin again, unlike so many refugees who had lost all they owned. For 17 years they lived in relative peace, until 1967 when the family found themselves on the front line of the battle for Jerusalem between the Israeli and Jordanian armies. Nihad Akil, who was 40 days old when the family fled in 1948, remembered how 19 years later the family fled on foot towards Jericho to escape the shelling. They made it as far as the sea level designation on the desert Jerusalem-Jericho road. There, they were stopped by Israeli soldiers who told them to wait as they were sending a bus to pick up the fleeing refugees. The family jumped back in haste, fearful that the bus would round them up and take them to prison or expel them further east. After a period of wandering they finally ended up back at their home in Sheikh Jarrah.

Shortly after their return, the family found themselves residents of the State of Israel by virtue of Israel's annexation of East Jerusalem. They quickly learned that their new status under Israeli Law offered them little protection. Rather, by virtue of becoming part of the Jerusalem public in the eyes of the government, their private land was now eligible for expropriation for the public good. On 11 January 1968, the family received notification that the seven dunams (1.75 acres) of land on which they had lived for the last 20 years had been expropriated for public purposes. With the reunification of the city, Mt. Scopus campus of the Hebrew University would again become the premier institution of higher learning for the Jewish state. This would require expansion of the existing facilities and, of course, the construction of new dormitories. It was determined that the land of the Akil family was the ideal site for new student housing, and it was thus expropriated by the Minister of the Interior and then allocated to the Hebrew University. However, the family dug in and fought the expropriation order. They had already been refugees once. That was one time too many.

From the time of the first notification letter in 1973, the Hebrew University and its lawyers tried numerous methods to remove the family from their land. When they went to the Israeli Lands Administration Authority with their claim against the Akils, it responded by sending the family the following letter:

In light of the expropriation notice as per Clauses 5 and 7 of the Land Ordinance of 1943 (requisition on behalf of public need) ... you and your family are required to vacate the house and land plot that you occupy within 15 days of the date shown on this letter. You must also transfer the capacity to hold the house and land to the State of Israel within the aforementioned period. You must leave the house clear of all objects and occupants. Should you fail to comply within the said period, we will be under the obligation to begin legal proceedings. As regards to compensation, you are entitled to present your claim as per the

of the family refused to leave. They enlisted the support of Hebrew University students who wrote letters to the government and newspapers in support of the family's right to stay on their land. The Hebrew University, a bastion of the liberal values expressed in the socialist tradition of Zionism was greatly embarrassed by the ensuing fuss. In order to keep things from getting out of hand and damaging its reputation, the university quietly let the family remain.

However, the family's troubles were not over. They owned a lot more land, which was suddenly required for the public good of the Jewish state. Along with the ownership documents carefully kept in a drawer, Jamil Akil holds a complete inventory in his head of all the land he has lost. He neatly divides the losses into land from 1948 and land from 1967. The areas of land he has lost are as follows:

17 dunums (4.25 acres) for the new police headquarters in Sheikh Jarrah; 3.2 dunums (0.8 acres) for Kupat Holim, a medical clinic; 9 dunums (7.5 acres) for the expansion of Highway 1; 36 dunums (9 acres) for a playground near the police headquarters; 12 dunums (3 acres) for the bridge that passes over Shu'fat on the way to Plegat Ze'ev... and his list goes on. Jamil Akil never accepted compensation. How could he accept payment for something he did not want to sell? Besides, even if the family had been interested in selling, the amount it was offered was almost insulting: some three Shekels (less than \$1) per acre; 70 Agorot per dunum - a pittance considering what the land is actually worth.

Yet, the family still had their home. The Hebrew University built dormitories all around the 70 square meters taken up by the family home. The construction surrounding the family compound turned the Akil's garden into an enclave, but Aisha Akil still had a garden to tend. They had curfews imposed on them by the authorities, in order to keep them from disturbing the students, but they were permitted to have wedding celebrations until 12:00. They were strictly forbidden by the municipality from enlarging the homes they had built in 1950, but even a crowded home is still a home. They thought that this battle, at least, was one they had been able to win.



Israeli Settlements Since 1967

PHASE I

- **French Hill**

The settlement of French Hill was established in 1968 on land confiscated from **Shu'fat** and **Issawiya**. In order to preserve the cease-fire between 1948 and 1967, Jordan wanted to prevent attacks on the bi-weekly convoys that went to Israeli-controlled Mount Scopus. As a result, it banned all building activity on the land around French Hill. Therefore, the land was nearly empty in 1967, which facilitated the expropriation process. Only a few homes built by refugee families stood in the way of expropriation plans.

The settlement of French Hill, along with nearby **Ramat Eshkol**, was dubbed the Northern Door Latch by Israeli planners. The driving strategy behind the construction of these two settlements was to physically bind the **Hebrew University** Mt. Scopus campus to West Jerusalem to prevent it from becoming an isolated enclave in the event of another war or a territorial settlement. The settlement is built on 836 acres with a population of almost 15,000 living in more than 4,000 units. The **Hyatt Hotel** and some of the Hebrew University dormitories are also part of the settlement. In the midst of the new construction, however, isolated Palestinian homes remain.

- **Ramot**

At the northwestern extreme of Jerusalem is the settlement of **Ramot** or **Ramot Allon**. Construction of the settlement began in 1973, on land expropriated from **Shu'fat** to the east and **Lifta** to the southwest. The settlement currently covers more than 750 acres and contains 4,000 units housing a population of 38,000. City planners objected to the national plan for this settlement as it destroyed the panoramic view of the Old City surrounded by hills. Furthermore, it destroyed the scenic **Wadi Sorek** area. The planners argued at the time that a settlement in this area would require huge road networks and lead to urban sprawl. Revisions developed at the municipal level to preserve the aesthetic value of the area were rejected on the national level. Municipal planners were told by those higher up that building Ramot on the designated site was part of their patriotic duty

to defend the city.⁷ Ramot was subsequently incorporated into the master plan for Jerusalem and became one of the key anchor settlements encircling the city. Ramot is currently expanding with the construction of the Ramot 06 neighborhood. New housing is currently being constructed on 50 acres of land confiscated from the West Bank villages of **Beit Iksa**, **Beit Hanina** and **Nabi Samwil**.⁸

Inside Ramot's original core is the neighborhood of **Ramot Polin**. This collection of geodesic dome-like buildings was designed in the 1970s by Israeli architect Zvi Hecker, with the sanction of the Israeli Ministry of Housing. The dome-like structures without vertical walls proved so unpopular that property values dropped until eventually, even the low-income Ultra-Orthodox community could afford to buy them. This was indicative of a change in objectives for the city. As the Ultra-Orthodox became more and more prevalent, living in Jerusalem came to be viewed by a growing number of the city's residents as a spiritual duty in preparation for the coming of the Messiah. Living here was not about aesthetics, so any roof would do.⁹

- **Atarot Industrial Zone**

This settlement, located just west of **Ar-Ram** junction, was created with the intention of providing employment and industry for the settlements. It was hoped that the settlements would be self-sufficient and thereby have a higher overall population potential than if they had remained bedroom communities.

Hence, the Atarot Industrial Zone was founded in 1970. However, the concept of providing employment for the settlements backfired, as the majority of those employed here are Palestinian. The vast majority of the employment to be had here is blue collar. To rectify this mistake, light industry projects are planned for the valley between **Hizma**, to support **Neve Ya'acov** and **Pisgat Ze'ev**. Light industry and high-tech jobs are deemed to be more appealing to the Israeli labor force than the industrial jobs found in Atarot.

⁷ Benvenisti, *City of Stone*. Berkeley: University of California Press, 1996, 157.

⁸ *Eye on Palestine*, ARIJ website at www.arij.org

⁹ *The New York Times Magazine*, 10 September 1995, p. 47.

- **East Talpiot**

East Talpiot was one of the first anchor settlements. It was designed to expand the existing southeastern neighborhood of Talpiot and place a barrier between the Palestinian villages of **Jabal Mukabber** and **Sur Baher**. Construction began here in 1973. The settlement is built on land expropriated from Sur Baher and Jabal Mukabber. It currently measures 560 acres, has a population of 14,800 and approximately 4,269 units.¹⁰ East Talpiot is currently expanding in two directions. There will be 400 units built to the east on land belonging to Jabal Mukabber. A private contractor will build another 1,300 luxury units to the south in order to fill the gap between East Talpiot and Ramat Rachel. The luxury apartments in the new project will range in price from \$250,000 to \$500,000.¹¹

- **Gilo**

The Gilo settlement stakes out Jerusalem's southwestern boundary. This anchor settlement was established in 1971, on land belonging to the 1948 village of **Malha** and the West Bank town of **Beit Jala**. It currently covers 675 acres, but is expanding at an extraordinary rate. The population of 30,000 are mostly Jews of Sephardic origin. Currently about 6,400 units exist but many more are under construction. As illustrated by the **Gilo Home for the Handicapped** on Ganenet Street, settlements are fully equipped with roads, clinics, schools, parks, and sidewalks. People who live in these settlements, in general, do not see themselves as ideologically motivated settlers. Many are not even aware that they are living in a settlement. They choose to live in what they see as neighborhoods or suburbs of Jerusalem, purely for economic reasons: the highest possible quality of life for the lowest possible cost. A new three-room apartment in Gilo costs between \$180,000 and \$200,000. Many residents cite the view of the southern mountains and the city as a reason for living here; however, they complain of harsh winds in the winter.

During the Kollek administration, building in the valley was prohibited in order to preserve some of the city's natural beauty. However,

¹⁰ *Jerusalem Statistical Yearbook, 1994/95.*

¹¹ "The Status of Jerusalem Reconstructed - Israel's Unilateral Actions Determine the Future of Jerusalem," *Eye on Palestine*, ARIJ website. Prices quoted from *The Jerusalem Post Magazine*, 25 April 1997.

this new construction is now steadily advancing into the valley. If construction continues at this pace, Gilo will have merged with Beit Jala in a matter of years.

- **Neve Ya'acov**

Neve Ya'acov, founded in 1972, is one of the oldest anchor settlements. Located in Jerusalem's northeastern corner between Beit Hanina and Pisgat Ze'ev, the settlement is five kilometers from the Old City. It is built on land confiscated from **Hizma** and **Beit Hanina**. **Neve Ya'acov** currently covers an area of 675 acres, but is expanding rapidly, as the massive construction shows. The population is close to 22,500 with over 4,800 housing units. The settlement boasts a public library, two public schools and two primary schools for the Orthodox. It also has a modern sports/community center with an Olympic-size swimming pool.

Neve Ya'acov falls into the category of historic settlements. Like **Gush Etzion** in the West Bank, it was originally founded as a Jewish settlement in 1924. However, it was abandoned in 1929 due to attacks from the neighboring Palestinian villages generated by the riots of 1929. When it was reestablished in 1972, it was conceived as a housing project for new immigrants. Currently the population is a mixture of Ultra-Orthodox, Bucharan, Azerbaijani and Georgian immigrants from the early 1970s, Russian immigrants from the 1980s and 1990s and native Israelis of Mizrachi origin. Neve Ya'acov is also the poorest of the Jerusalem settlements. Due to the low cost of housing there, it has become populated with families from the lower income brackets. In fact, some 45 percent of all households receive some exemption from the municipal tax due to social or economic hardship. It is also important to note that some 15 percent of all the apartments in Neve Ya'acov have illegal building extensions.¹² However, the owners almost never receive demolition orders. At most, they are fined or else the builders are forced to retroactively apply for the necessary permit.¹³

Plans are being carried out to connect this settlement with the West Bank settlements of **Adam**, **Pisgat Ze'ev**, **Pisgat Omer**, then to

¹² Fact Sheet on Neve Ya'acov, prepared by Hirsh Katz, Neve Ya'acov town planner.

¹³ Tour of Neve Ya'acov, by Hirsh Katz, Neve Ya'acov town planner, April 1998.

Eastern Gate and **French Hill** and, ultimately, **Ma'aleh Adumim**.¹⁴ The construction along the right-hand side of **Moshe Dayan Boulevard**, called **Pisgat Ashder**, which commenced in the summer of 1996, will link Neve Ya'acov to **Pisgat Ze'ev**. The plans for the northeast of the settlement include those to build housing units in the land reserve created next to the Ramallah bypass road. This expansion will cause the uprooting of a **Jewish National Fund forest** planted in the 1970s.¹⁵ From this expansion, the eventual linkage to the Adam settlement will be easily facilitated by building along the path of the bypass road. Furthermore, the extension of Route 1 going behind this new development creates a barrier limiting the development of **Shu'fat** and **Beit Hanina** just to the west.

PHASE II

- **Pisgat Ze'ev**

Just south of Neve Ya'acov is the first of the phase II settlements, called **Pisgat Ze'ev**. Construction here commenced in 1985 with the confiscation of 1,100 acres from **Hizma**, **Beit Hanina** and **Shu'fat**. The impetus for this settlement came when the **UN Security Council** passed a resolution calling Israel to withdraw from East Jerusalem. Israel responded by confiscating the initial 1,000 acres for **Pisgat Ze'ev**. The settlement was intended to be self-supporting. Initial plans called for half the settlement to be commercial.¹⁶ Prospective homeowners receive a five-year tax break on *arnona*, the municipal property tax, when they purchase an apartment in **Pisgat Ze'ev**. In effect, all the infrastructure and municipal services are tax-free.¹⁷ The population of this settlement will eventually increase to in excess of 30,000, housed in more than 7,000 units.

¹⁴ Eye on Palestine, ARIJ website at www.arj.org.

¹⁵ Tour of Neve Ya'acov, by Hirsh Katz, Neve Ya'acov town planner, April 1998.

¹⁶ David Kroyanker. *Jerusalem: Planning and Development, 1982-96*. Jerusalem Institute for Israel Studies, p. 114.

¹⁷ Kothari and Abu Shakrah, *Planned Dispossession: Palestinian East Jerusalem and the Right to a Place to Live*, p. 8.

- **Hizma**

From Air Force Street in Pisgat Ze'ev it is possible to see the West Bank village of Hizma, which is slowly being overwhelmed by the expansion of Neve Ya'acov and Pisgat Ze'ev. This village is an excellent example of the demographic considerations that went into redefining Jerusalem's municipal boundaries. The land around and belonging to Hizma, currently under Pisgat Ze'ev, was annexed to Jerusalem. However, the village buildings and the village population remain in the West Bank. Great tension exists between Hizma and Pisgat Ze'ev and regular clashes occur between villagers and the Israeli army.

Driving through Pisgat Ze'ev, one cannot help but be awed by the scope of the construction underway in this settlement. Expansion projects extend in all directions from the settlement's core. The development is in line with the Israeli plan to form a continuous block of settlements from Adam, in the West Bank, through to French Hill. **Pisgat Omer**, just south of Pisgat Ze'ev forms the beginning of the link, which will extend to French Hill. **Road 1**, the first stage of which was constructed in 1992, required the confiscation of an additional 95 acres of land from Beit Hanina and Shu'fat, as well as the demolition of 17 Palestinian homes. This road runs parallel to **Road 5**, which serves primarily Palestinian traffic passing through Palestinian neighborhoods to Ramallah. The **Joulani** family home was the first of the 17 homes to be demolished for the extension of the Road 1 bridge in March of 1997. Israel intends to build 3, 815 additional housing units for Pisgat Omer, as well as an industrial zone, on the land separated from Shu'fat by this road.¹⁸

- **Shu'fat Refugee Camp**

Standing in the way of the expansion of **Pisgat Omer** and its eventual connection with **French Hill** and the West Bank **E-1 Plan** is the Shu'fat Refugee Camp. The camp was established in 1965 and currently has a population of 7,682 refugees. It is the only camp within the Jerusalem municipal limits.¹⁹ There is a great effort underway to relocate the camp outside of the municipal boundaries of Jerusalem. The camp can be seen along Moshe Dayan Boulevard on the way into Pisgat Ze'ev.

¹⁸ *Eye on Palestine*, ARIJ website at www.arij.org.

¹⁹ UNWRA Fact Sheet, revised in 1995.

PHASE III

- **Reches Shu'fat**

From the roof of the **Tomb of Samuel** it is possible to see how the settlement of Reches Shu'fat, which was established in 1994, fits in with the Israeli master plan to create territorial integrity between the Jewish settlements of Jerusalem, while isolating the Palestinian neighborhoods. The new settlement will eventually connect with the anchor settlement of **Ramot**, whose construction began in 1973. Already joined with French Hill by the newly developed Yigal Yadin Boulevard, the planned **Route 12** will also connect the settlement to Pisgat Ze'ev. This new road, which is already half complete, will bisect the Palestinian neighborhood of Shu'fat and necessitate the demolition of at least two Palestinian homes. The land reserves created by Route 12 will be used for the expansion of Reches Shu'fat in the coming years. Eventually, Israel plans to connect this settlement all the way north to the **Atarot Industrial Zone**, which nearly meets the borders of Ramallah.²⁰

Reches Shu'fat was built on 500 acres of land from Shu'fat and Lifta. There are currently 8,000 Ultra-Orthodox and religiously conservative Israelis living in 2,165 housing units in the development.²¹ Because the land had been zoned as a 'green area', no development of the land had been possible until it was re-zoned and then expropriated for the construction of the new project.

When land is designated as a 'green area' by the municipality, it can only be used for agriculture. While 'green areas' do exist in West Jerusalem, they are small areas designated as parks and valleys. Currently, 7,750 acres (44 percent) of Palestinian-owned land in East Jerusalem are zoned as 'green areas'.²²

While these areas are supposedly zoned this way to preserve the natural landscape of the city, the reality is that the designation prevents Palestinian development until the resources are available to implement the next stage of the master plan. When the plans for Reches Shu'fat were presented to the Municipal Council in 1991, former city planner

²⁰ "Tightening the Clamp on Jerusalem," ARIJ website at www.arij.org.

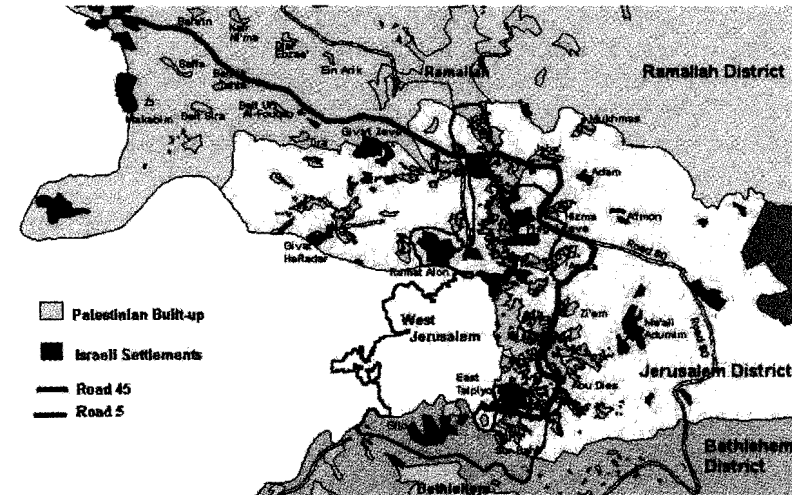
²¹ *Ibid.*

²² "Expanding the Jewish Presence in the Old City of Jerusalem," ARIJ website at www.arij.org.

Sara Kaminker raised an objection because the area was a **nature reserve** containing a forest planted by the Jewish National Fund. Ms. Kaminker was rebuked by former mayor Teddy Kollek who informed her that the only objective for planting trees was to prevent the Arabs from building on the land until the time was ripe for building a Jewish quarter there.²³

- **Road 45**

Road 45, or the **Jerusalem beltway**, is designed to ease urban traffic problems by connecting the Israeli settlements in the north and south of East Jerusalem to the urban core, as well as provide quick access to Ben Gurion Airport. Spurs of this road will also link the Greater Jerusalem settlements of **Ma'aleh Adumim** to the city. The road roughly follows the boundaries of East Jerusalem, extending from here to the Jerusalem airport in the north. The beltway will stretch some 50 kilometers and will require the expropriation of 1,750 acres of Palestinian land, along with the demolition of 38 Palestinian homes.



The road will also include three tunnels, the largest of which will be 1.8 kilometers long, to be dug under **Abu Dis**. In addition to creating yet another physical barrier between the Palestinian neighborhoods of

²³ *ibid.*

- **Jabal Abu Ghneim**

To the east of Mar Elias, immediately before the Bethlehem checkpoint, is the site of the **Har Homa** development. This hillside, known in Arabic as Abu Ghneim Mountain, is located between Um Tuba, Beit Sahour and Bethlehem. Prior to 1967, it served as a Jordanian army post, which faced the nearby Israeli kibbutz of Ramat Rachel. The land in this whole area was traditionally owned and cultivated by Palestinians from Beit Sahour and Um Tuba.²⁸ After the War of 1967, the hillside, in addition to the valley up to the edges of Bethlehem was annexed to Jerusalem. The 60,000 pine trees that crowned the hillside were, ironically, protected by a 1962 Israeli ordinance, which prohibits the destruction of pine and other protected trees.²⁹ This hillside and adjacent hillsides to the east are the last available areas for the natural expansion of the villages of Beit Sahour, Sur Baher and especially Um Tuba, which is currently bordered by Kibbutz Ramat Rachel and East Talpiot.

The hillside is also relevant to the history of early Christianity. There are several Christian holy sites located on, or near the hillside. The remains of a 5th or 6th Century Byzantine monastery associated with St. Theodore is on the crest of the hilltop. Also near the building site is the **Church of Bir Qadisum**, which marks the last place where Mary dismounted to rest before completing her journey to Bethlehem. The hillside is also in close proximity to the traditional site of the **Shepherds' Field** in Beit Sahour and is less than one mile, as the crow flies, from the spire of the **Church of the Nativity** in Bethlehem.

- **Har Homa**

Har Homa, which translates as 'walled mountain' from Hebrew, will firmly stake the southeastern boundary of Israeli Jerusalem. The total area of the project, which includes the current construction on Jabal Abu Ghneim and later building on the adjacent hill of **Khirbet Mazmoriah** (east), will cover 514 acres. The estimated cost of preparing the site for construction is approximately \$10 million. Immediate plans for the site call for 6,500 housing units, with 2,456 ready for occupancy by 1999. The anticipated additional expropriations in the

²⁸ *Summary of the Abu Ghneim Case*, information packet from the Palestinian Center for Rapprochement between People, Beit Sahour.

²⁹ *Eye on Palestine*, ARIJ website at www.arij.org.

immediate area will extend the potential to 12,000 units.³⁰ It is estimated that the site will have the potential to provide homes for 30,000 to 40,000 Israelis. In addition to homes, the Har Homa settlement will include a small industrial area and a tourist village.³¹

In addition to Har Homa, another settlement called Givat Arba ('Hill Four'), consisting of 3,000 units, is also planned for the hillside underneath Ramat Rachel and due east of Mar Elias.³²

History of Har Homa Land Expropriations

The planned construction at Jabal Abu Ghneim clearly exhibits both the strategy and the ideology behind city planning in Jerusalem. As previously discussed, Israeli city planners viewed unchecked development of Palestinian villages around Jerusalem as a threat. Any land not populated by Jews is considered in danger of being populated by Arabs and therefore cut off from Israeli jurisdiction. "It was unclear, from our perspective, who was occupying who,"³³ said Yisrael Kimchi, a Jerusalem planner. From this perspective, Jewish neighborhoods could not be left isolated and open spaces could not be left for Palestinian development. Land for East Talpiot (due north) and Gilo (due west) was expropriated in 1970, while the land in this valley was zoned as a 'green area'. These measures effectively prohibited all development of the area.

Ironically, some 250 acres of land in this area are Israeli-owned, the majority belonging to the Mikor and Himotota companies.³⁴ Most of these tracts were purchased by the companies prior to 1948. While there is evidence to suggest that these land sales were illegal,³⁵ the property is duly registered as Jewish-owned property with the Israeli Lands Authority. These two companies submitted their own building plans for the area, which include the construction of some 8,500 housing units and hotels. However, their petitions to develop the property were rejected on the grounds that private Israeli development set a precedent that would allow private Palestinian development.³⁶

³⁰ *Report on Israeli Settlement*, Foundation for Middle East Peace, May-June 1997, p. 8.

³¹ *Eye on Palestine*, ARIJ website at www.arij.org.

³² *Ibid.*

³³ Former Municipal Planner Yisreal Kimchi, Interview July 1996.

³⁴ *Summary of the Jabal Abu Ghneim/Har Homa Case*, op.cit.

³⁵ Interview with Ghassan Andoni, the director of the Alternative Tourism Group, July 1996.

³⁶ *Summary of the Jabal Abu Ghneim/Har Homa Case*, op.cit.

In 1991, under the Lands Ordinance of 1943, 462 acres of land from the Abu Ghneim area were ordered expropriated. The Israeli landowners confirm that they were offered up to \$45,000 per quarter acre of land.³⁷ (Palestinians, in general, refuse to discuss the issue of compensation as they view it as legalized theft.) The Mikor Company filed the first suits against the expropriations. However, the suit was later joined with those of Palestinian landowners from Beit Sahour and Um Tuba. Settlement was stalled in the Supreme Court until 1996, when all final legal obstacles to the development were cleared. The actual breaking of ground for the settlement was delayed until March 1997 by a protracted political struggle, which involved factions within the Israeli Government, the ongoing negotiations with the Palestinians and the international community. Ultimately, Netanyahu was forced to go ahead with the project when he came under intense pressure from parties within his own coalition, such as the National Religious Party and the Third Way. Natan Sharansky of the Israel Immigrants' Party reputedly threatened to leave the government, taking his party with him, if Netanyahu did not press forward.³⁸ Ground was finally broken for the settlement on 26 March 1997. However, as of the summer of 1998, the project remained stalled.



Ramifications of the Har Homa Project for Bethlehem and Peace

Jewish Israelis from across the political spectrum consistently support the Har Homa project, or at least concur that the inherent right to build there belongs to Israel. Many supporters of the leftwing Labor and Meretz parties support the project in principle, although they object to its timing. Leah Rabin, wife of assassinated Prime Minister Yitzhak Rabin, went on record as saying that while no one could question the right of Israel to build on Har Homa, it was foolhardy to begin building at such a sensitive time in the peace process. In general, Israelis view the construction of this neighborhood as an essential component in preventing the city's future division. According to a supporter of Prime Minister Netanyahu, "If building Har Homa is necessary to keep Jerusalem, it's worth it. Without Jerusalem, we are nothing, peace or no peace."³⁹

³⁷ *Report on Israeli Settlement*, Foundation for Middle East Peace, May-June 1997, p. 8.

³⁸ *The Jerusalem Post*, Tuesday, 11 February 1997.

³⁹ "Peace Gasps Over Har Homa Quagmire," *The Israel Observer*, April-June 1997, p. 8.

» Palestinians view this settlement project very differently. First, this settlement marks the end of territorial continuity between Jerusalem and Bethlehem. This becomes particularly apparent when considering the military bypass road, which was constructed along the edge of Bethlehem in the summer of 1996. When Road 45 is completed, it will become the major traffic artery in the region, and according to the plans for this road complex, all north-south traffic will be naturally diverted west to Gilo and east to Har Homa - away from the Palestinian town of Bethlehem. The main Jerusalem-Hebron road will be reduced to a secondary road.

Har Homa will also further isolate Bethlehem from the remainder of the West Bank, bearing in mind that Bethlehem already faces Gilo to the north, Tekoa to the east, Betar to the west, and the Efrat/Etzion Bloc to the south. This means that the total Jewish population around Bethlehem could be as high as 90,000, once the Har Homa settlement is built and even if the population of Gilo and the Etzion bloc settlements do not increase (the total Palestinian population of the Bethlehem area is 144,000⁴⁰). These settlement activities, along with connecting roads, take up enormous stretches of land desperately needed if the Bethlehem area is to continue to develop at a natural pace.

Finally, the planned settlement will deprive Palestinians of the opportunity to develop their own resources. It directly threatens the future of their nascent tourist industry. The completion of the Bethlehem-Israel tourist complex will be another step in ensuring that Israel retains its monopoly over Christian tourism, even though the majority of the Christian holy sites are located on Palestinian territory. The majority of Christian pilgrims who visit the Holy Land come on Israeli package tours. They stay in Israeli hotels, eat in Israeli restaurants and use Israeli guides.⁴¹ When these groups visit the holy sites in Bethlehem, they come on Israeli buses, which park immediately in front of the Church of the Nativity. The pilgrims are shepherded in and out of the church by their Israeli guides, without their ever coming in contact with any of the local Christian community. In some cases, the only contribution they make to the local economy comes when they stop at a few select souvenir shops, whose owners pay the drivers and the guides huge amounts of commission on whatever the tourists purchase. Such great lengths are undertaken to prevent contact between these tourists and the local population that the tour buses often park with the door of the bus immediately opposite the doors of the souvenir shops. The development of the Bethlehem-Israel project will all but preclude the Palestinians' hopes of developing their own tourist industry.



⁴⁰ PASSIA Diary 1998. Jerusalem: PASSIA, 1997, p. 212.

⁴¹ Eye on Palestine, ARIJ website at www.arij.org

Chapter 4

Palestinian Neighborhoods in East Jerusalem

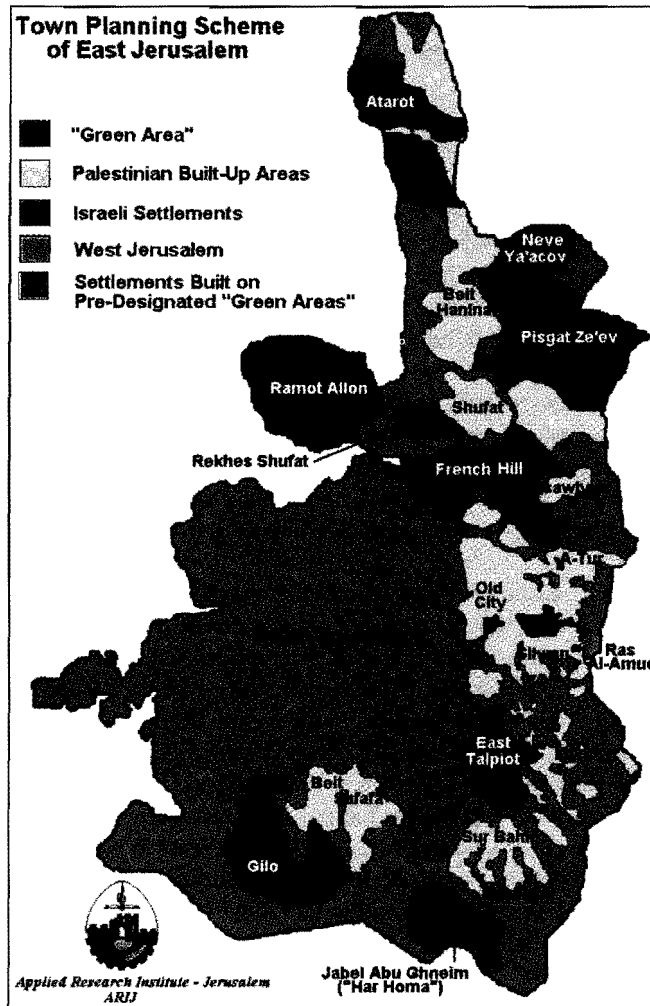
Jerusalem Deputy Mayor Uri Luplanski, of the Planning and Building Committee, is quite willing to talk frankly about the problems he faces when trying to plan for the needs of Jerusalem. For example, he says the population is very diverse and that the various groups cannot be forced to live together. “You cannot have a religious population living in a secular community,” says Luplanski, “nor can you have a non-Jewish population living in a Jewish community.”

Thus, he points out that each neighborhood must be planned specifically for one population group alone. Segregation is not by default. Rather it is planned and, he adds, desirable. Mr. Luplanski, an Ultra-Orthodox Jew himself, speaks in paternally frustrated tones when it comes to planning for the ‘non-Jewish’ population of Jerusalem.

“You see,” he exclaims, “with the Arabs there is a problem of mentality that we are unable to change. They are used to living in a family house and are not used to living in the modern context. So, if we present them with a plan for 3,000 units, they will not accept it.... because every Arab wants his villa, with rooms for his sons and a place to have animals. Do you see any Jews living in villas? No! A Jew understands that in a modern city, one cannot live in a villa!”¹ Mr. Luplanski gives an exasperated sigh. The Jerusalem Municipality has done its best to meet the needs of the non-Jews who make up one third of the city’s population. If there is a housing shortage for that sector, they are not the ones to blame. What can a planner do about a thing like mentality?

¹ Interview with Uri Luplanski, West Jerusalem Municipality, July 1996.

This chapter briefly explores how statements such as these translate into the reality of Palestinian life in Jerusalem. The section gives descriptions of the many challenges facing Palestinian Jerusalemites, namely: discrimination through services, planning, the issuance of building permits, housing demolitions and residency rights.



Palestinians in East Jerusalem

There are approximately 16 Palestinian neighborhoods in Jerusalem. Most were villages outside of Jerusalem until Israel redefined the boundaries in 1967 to include an additional 71 square kilometers of the West Bank. Palestinians who live in Jerusalem are not citizens but rather ‘**permanent residents**’, a privilege bestowed upon them by the Israeli Government, which occupied their land in 1967. This privilege is one that can be revoked by the government and is being revoked at an alarming rate. As permanent residents, Palestinian Jerusalemites face constant discrimination in the city. They receive far less funds and services than the settlers living in the settlements being built all around them do. Moreover, more often than not, these settlements are built on their land while they are denied the permission to build on what little land remains. If they build without permission, they face the threat of receiving demolition orders for the new structure. The state of Palestinian Jerusalemites living in the ‘Eternal Undivided Capital of the Jewish People’ is precarious, as the Israeli Government actively seeks to ensure a Jewish demographic majority by constraining Palestinian development and flooding the city with Jewish immigrants from within Israel and abroad.

In short, demographic concerns have been the cornerstone of Israeli policy towards the Palestinian residents of Jerusalem, both at the national and municipal level. The Palestinian growth rate has traditionally been viewed as a ‘matter of concern’ by Israeli policy-makers.² The **1973 Inter-ministerial Committee to Examine the Rate of Development in Jerusalem**, commissioned by Golda Meir, determined that it was vital to the future of Jerusalem to ensure “the relative proportion of Jews and Arabs [in Jerusalem] as it was at the end of 1972.”³ At that point in time, the population figures indicated a Jewish majority of 73.5 percent and a Palestinian minority of 26.5 percent.⁴ The subtext of this decision was a desire on the part of the

² West Jerusalem Mayor Ehud Olmert made the statement that it was “a matter of concern when the non-Jewish population rises a lot faster than the Jewish population,” in reference to the announcement by the Jerusalem Institute for Israel Studies that the growth of the Palestinian population was four times that of the Jewish population in the city. *The Jerusalem Post*, 11 June 1998.

³ Inter-ministerial Committee to Examine the Rate of Development for Jerusalem, *Recommendation for a Coordinated and Consolidated Rate of Development*, Jerusalem, August 1973, p. 3.

⁴ Felner, *A Policy of Discrimination*. Jerusalem: B'Tselem, p. 32.

municipal government to implement strategies for combating the higher rate of natural growth among the Palestinian population and ensure a Jewish majority in the city. In 1992, the **Kubersky Committee**, commissioned by the Ministry of the Interior, restated the need of the government to take measures to ensure a Jewish majority in Jerusalem.⁵ The result has been a long series of discriminatory policies designed to literally 'combat' the growth of Palestinian Jerusalemites.

**STATUS OF REPRESENTATIVE PALESTINIAN NEIGHBORHOODS
IN JERUSALEM**

NEIGHBORHOOD	POPULATION	HOUSING UNITS	DENSITY PER DUNUM	DENISITY PER DWELLING
BEIT HANINA / SHU'FAT	50,500	8,232	4.8	6.1
ISSAWIYA / MT. OF OLIVES	27,900	4,332	5.1	6.4
SHEIKH JARRAH	7,600	1,245	5.0	6.1
SILWAN / ABU TOR	33,400	4,546	8.0	7.3
SUR BAHER / BEIT SAFAFA	24,600	4,360	1.1	5.6

Source: Housing Units – *Jerusalem Statistical Yearbook, 1997.*

Allocation of Municipal Services

Palestinians represent 29.1 percent of the Jerusalem population and pay roughly 30 percent of the municipal taxes. However, only seven percent of the municipal spending is allocated to Palestinian neighborhoods. For example, only 87 out of the city's 900 sanitation workers are assigned to Palestinian neighborhoods. Per Capita spending in Jerusalem is \$900 per Jewish citizen and \$150 per non-Jewish citizen. East Jerusalem currently needs an additional 150 kilometers of paved roads and 350 classrooms. Israel has paid lip service to improving the life of Palestinian Jerusalemites since 1967, but the discrepancy in municipal services is obvious. Teddy Kollek himself made the follow-

⁵ In 1992 the growth rate of the 'non-Jewish' population of Jerusalem was 2.7% compared with the Jewish growth rate of 2.1%. *Jerusalem Statistical Yearbook, 1994/95*, p. 28.

ing statement in 1990 during an interview with the Israeli daily *Ma'ariv*:

"...I did nothing over the last 20 years. For Jewish Jerusalem I have done things. For East Jerusalem? Nothing? Stop babbling about sidewalks, cultural centers. Nothing! Absolutely nothing! Actually, we did build the sewage system and improved the water system. And do you know why? I'm sure you think we did it for their benefit. No way! We did it because we heard about cholera cases, and the Jews feared the spread of an epidemic."⁶

Mayor Olmert has often indicated that he will allocate funds for the improvement of Palestinian neighborhoods. Recent requests to the **Ministry of Interior** for more than NIS10 million in funding for the development of the city's 'Arab areas' appear to support Olmert's intentions.⁷ To his credit new sidewalks have been built and road repairs taken place, primarily in the **Wadi Al-Joz** neighborhood. However, a quick drive from **Beit Hanina** up into the adjoining settlement of **Neve Ya'acov** demonstrates a distinct difference in the level of municipal services.

Discrimination in Planning and Building

Little attempt is made to hide the discrimination within the planning process for Jewish and Palestinian areas. The decision-makers are clear about the fact that municipal planning in Jerusalem is designed to fulfill the nationalist agenda of creating physical and demographic 'facts' that ensure that Israel achieves uncontested sovereignty over a united city. The blatant motivation behind this discrimination is to prevent the growth of the Palestinian population. Part of Israel's plan to retain control of all of Jerusalem is to ensure a Jewish majority in the city. As the growth rate of the Palestinian population in Jerusalem is four times that of the Jewish population, even with all the efforts undertaken to encourage Jewish migration to the city, steps are being taken by the municipality to encourage Palestinians to leave the city. One major component of this effort is the bar on Palestinian development. Thus, when Teddy Kolek made the following statement in

⁶ *Ma'ariv*, 10 October 1990 quoted in Amirav, p. 40.

⁷ *The Jerusalem Post*, 11 April 1996, p. 12.

his book *Teddy's Jerusalem*, "It is necessary to make life difficult for the Arabs, not to allow them to build," he was voicing the objective of curtailing the natural growth of the Palestinian population with government policy.⁸

- **Nusseibeh Buildings**

In **Beit Hanina**, on the left-hand side of the Jerusalem-Ramallah Road, immediately before the checkpoint, one can see the one example of a housing project enacted by the municipality for Palestinians in Jerusalem. These 555 apartments were built by Palestinians with subsidies from the municipality. (This is in contrast to the 40,000 units built for Israelis.)⁹ Known as the Nusseibeh Buildings, they are the one and only exception to the rule. This one development is referred to constantly by Israeli municipal authorities as 'proof' of how much they have done for Palestinian Jerusalemites. They consistently blame the lack of adequate housing in East Jerusalem on the inability of Palestinians to adapt to modern life. A city planner made the following comment: "This planning form does not suit the character of Moslem family life with regard to clan organization, maintaining privacy and the chastity of Moslem women. Over the years, however, most of the tenant families have adjusted to this manner of living. Stairwells in some of the dwelling units have been converted into wings of a single extended family where the clan's independence and privacy are safeguarded."¹⁰ However, the fact that in excess of 21,000 housing units are needed to meet the demand for housing in Palestinian neighborhoods may be the real reason why families have moved into the stairwells.

- **Beit Safafa**

In the southwest of Jerusalem, sandwiched between **Gilo** and **Patt** is the Palestinian neighborhood of Beit Safafa. This village was actually split in two by the War of 1948 and was subsequently reunified in 1967. The main road to the **Jerusalem Mall** demarcates where the 'Green Line' separates West Jerusalem from the West Bank. The vil-

⁸ Benvenisti, *City of Stone*. Berkeley: University of California Press, 1996, p. 164.

⁹ "Campaign to Save the Homes of Palestine," compiled for LAW Conference, 7 June 1998, p. 17.

¹⁰ David Kroyanker, *Jerusalem: Planning and Development 1982-1986*. Jerusalem Institute for Israel Studies, p. 114.

lage, now engulfed in growing Jewish suburbs, has been fighting for years to complete the necessary steps to have the village appropriately planned so that drastically needed development can take place. Exact population figures are difficult to assess, as Beit Safafa is grouped with **Sur Baher** and **Um Tuba** in municipal statistics, which have a combined population of 22,300. There are 584 dwellings listed for Beit Safafa and 1,211 listed for Um Tuba. A Town Planning Scheme (TPS) was lodged for Beit Safafa in 1977, yet was not approved until 1990. Furthermore, when TPSs are approved for Palestinian neighborhoods there is often a 'trade-off' attached to the number of houses that are allowed to be built. This was discovered by the residents of Beit Safafa when in May 1994, Olmert announced plans to build a prison in Beit Safafa. Additional zoning for housing was included in the plan, in order to avert protest from the residents of Beit Safafa.¹¹

- **Planning and Zoning Impediments**

The widespread building in Jerusalem is credited to former Mayor Teddy Kollek, who ruled the city from 1965 until 1993. During his tenure, Kollek earned the title 'The Second Herod'. He was the chief architect of Israel's settlement of Jerusalem. Former Mayor Kollek made the following comment on Beit Safafa:

"Whoever thinks the Arabs have it good here are wrong ... Some of their land was taken for Katamon, some for Gilo, some for the road that traverses that neighborhood (Gilo) and for Patt." (Municipal Council Meeting, December 1987.)

According to the **Jerusalem Planning and Building Law**, all building in the city must be within the framework of a recognized TPS. In the absence of a recognized plan, no development is allowed and no building permits will be issued. (There are exceptions for granting building permits to individuals in the absence of TPSs but they are rare.) In an ordinary municipality, under ordinary circumstances, this would be a standard municipal procedure designed to ensure that any development is carried out in accordance with zoning, building codes and infrastructure requirements and expected population growth. However, in Jerusalem the practical is always subservient to the po-

¹¹ Sara Kaminker, "East Jerusalem: A Case Study in Political Planning," *Palestine-Israel Journal*, Vol. II, No. 2, 1995, p. 62.

litical. The following is a quote from Amir Cheshin, former Advisor on Arab Affairs to Mayor Kollek:

“The planning and building laws in East Jerusalem rest on a policy that calls for placing difficulties in the way of planning in the Arab sector ... this is in order to preserve the ratio of Jews and Arabs in the city.”

While TPSs exist for all the Jewish neighborhoods and settlements, they are conspicuously absent for Palestinian neighborhoods. The lengthy ten-step procedure associated with the approval of a TPS is efficiently carried out for Jewish settlements yet excessively delayed for Palestinian neighborhoods. Israeli Law stipulates that a TPS must be approved within three years, yet in Palestinian neighborhoods their approval can take more than ten. In many cases, TPSs initiated in the late 1970s and early 1980s have yet to be approved.

One of the most prevalent tools for restriction has been the denial of building permits. In order to receive the required building permit, a Palestinian landowner must provide proof of ownership, proof of payment of all municipal taxes, proof of Jerusalem residency status and pre-payment of water, road and sewage levies. Permits are rarely granted even when preconditions are met. For example, in 1994 the Jerusalem Municipality granted 1,533 permits to Israeli builders, while only 162 were issued to Palestinian East Jerusalemites. Over the last five years, an average of 150 permits per year were issued to Palestinian applicants. In contrast, between 1,500 and 3,800 permits are issued each year for private development in the west of the city.¹² Palestinian landowners are driven by desperate overcrowding to build without the necessary permits, but the Israeli Government frequently demolishes new structures.

House Demolitions

An average of 50 houses and structures built without permits or on land required for a settlement or road are demolished each year in Jerusalem. In 1996, the municipality and Israeli Ministry of the Interior demolished 17 homes in East Jerusalem. Since Oslo a total of 515

¹² “The Old City of Jerusalem,” ARIJ website at www.arij.org.

homes have been demolished in the West Bank and Jerusalem.¹³ There are now some 1,000 Palestinian families in Jerusalem and the West Bank who have been issued with demolition orders. The impact of having a home demolished is an unimaginable horror for most of us. Yet, in East Jerusalem, time and time again, Palestinian landowners frustrated by their inability to obtain building permits and tired of living in overcrowded conditions - the population density of Palestinian neighborhoods is twice that of Israeli neighborhoods - build without permits. They are subsequently issued with demolition orders from the **Ministry of the Interior** at some point in the construction process. They can appeal against the demolition, but no case has ever been won in the Israeli court system.¹⁴ Families never know when the bulldozers will arrive. It could happen before the construction is completed, or years after they have moved in. They have no choice but to attempt to live normally while they can.

- **Anata Village**

Anata, located just off the Shu'fat to Jericho road, means 'beautiful place', and the village bearing this name was a popular spot in ancient times for travelers or pilgrims to stop and rest before continuing to Jerusalem, some five kilometers away. Anata has a population of approximately 12,000 people and before the Israeli occupation had 30,572 dunums of mostly agricultural land. Before 1967, the village relied mainly on agriculture and stonecutting as the main sources of income. In accordance with an agreement with Jordanian land registration officials, some 14,000 dunums of the village land were considered privately owned and the remaining 16,000 dunums **State Land**. The villagers used the 16,000 dunums of village land for agricultural or grazing purposes.

Half of the village lies within the border of the Jerusalem Municipality and therefore falls under Israeli Law. The other half is found on the West Bank side of the 'Green Line' and is subject to the military law of occupation. Approximately one third of the inhabitants of Anata hold Jerusalem ID cards while two thirds hold West Bank cards.

¹³ Statistics from Land and Water Establishment (LAWE), Jerusalem.

¹⁴ "Campaign to Save the Homes of Palestine," compiled for LAW Conference, 7 June 1998.

After Israel confiscated most of the arable land around Anata, the local villagers found it increasingly difficult to make a living in agriculture. Approximately 20,000 dunums were confiscated to build **Alon**, **Kfar Adumim**, **Almon** and **Ma'aleh Adumim** settlements. These surround Anata on three sides and along with the two roads to the south and west circumscribe the village, isolate it from its agricultural areas and totally restrict the possibility of expansion.

Between 12 and 20 people can be found living in each house and permits are almost impossible to come by. When a family builds without a permit, the house is likely to be demolished - a privilege for which the Israeli authorities will then request payment. Since 1967, 12 homes have been demolished and another 50 or so remain at risk, including many that already have demolition orders served against them.¹⁵

In addition to illegal buildings, Israel also demolishes homes of Palestinians that stand in the way of proposed roads or settlement expansions. For example, over 17 homes were demolished for the extension of Route 1, which will run from French Hill to Neve Ya'acov.

Hebrew University Vs. Akil Family

For 25 years, the Akil family continued to live in the shadow of the Hebrew University. Many things changed around them. Students moved in and out of the dorms, the huge Hyatt Hotel was built in front of their compound, but they remained. For 50 years, the small enclave inside the cluster of multi-story dorms was home. Then, on 24 April 1998, the family heard another knock on the door. The Hebrew University had decided that after 25 years it needed the last 70 meters belonging to the Akil clan. The original expropriation order from 1968, reaffirmed in 1973, was due to expire. According to the university's lawyers, "The university has been authorized to expand. Therefore, [the university] requires that the expropriated land be vacated."¹⁶ The lawyers stressed that the university was very interested in reaching a settlement based on the consent of the family. It would do its utmost to provide suitable, alternative living arrangements for the family. However, if the family continued in its obstinacy, the Hebrew University would have no choice but to request that an eviction order be filed against the family and enforced.¹⁷

¹⁵ LAWE press release, 15 May 1996.

¹⁶ Amira Hass, *Ha'aretz*, Internet service, 1998.

¹⁷ *ibid.*

Indeed, the Hebrew University had approached the family with bribes and promises of beautiful alternative accommodation. It offered them a plot of land directly below the Hyatt Hotel, which the family adamantly refused. Nihad Akil indignantly points out that the Hebrew University thought the family would agree to leave their own land and take land stolen from another family in return. Furthermore, since that land also belongs to the Hebrew University, what would stop it from coming for that piece as well one day in the future? No, they refused. At the age of 78, Aisha Akil is not going anywhere. If they want to bulldoze her garden, they will have to plough her under with it.

The family has turned to public opinion for support once again. They have approached MK Azmi Bishara, who has petitioned the trustees of the Hebrew University pleading that the family be allowed to stay. They have sought the support of the Hebrew University students, and held vigils with Israeli and Palestinian support. They are trying every non-violent method possible to stay in their home. Many people quietly feel the Akils will be allowed to remain. The Hebrew University, after all, has a reputation to maintain. The high profile nature of this particular case could result in a great deal of bad press for the university if the bulldozers do actually arrive. However, no one in the Akil family knows anything for sure. They know that the police can arrive with bulldozers at any minute and throw them from their home.

Jamil Akil is 94 years old. He has his wife, his nine children and many, many grandchildren and their health for which he is very, very thankful. However, sometimes the toll of the last 50 years and the eminent possibility of eviction becomes more than he can bear. Much of the time he just sits and stares. Perhaps he is imagining what he could have done with the hundreds of acres his family lost over the years. Perhaps he is remembering his childhood in Lifta, when life was hard, but somehow so much simpler than it is now. Perhaps he is wondering why they need those last 70 meters of land. After all, they have proven to him, of all people, that they can take anything they want. He knows they are strong. He just cannot understand why they need to direct all their strength toward taking the last little bit that remains. Perhaps he is wondering when they will finally leave him and his family alone.



Palestinian Residency Rights in Jerusalem

- **Ministry of the Interior**

For Palestinian Jerusalemites and any expatriate with an address in a Palestinian neighborhood the branch of the Ministry of the Interior on **Nablus Road**, just opposite the Garden Tomb is where one needs to wait in line. The three-story complex with vast waiting rooms on **Hillel Street** will not consider applications or files that are not from the west of the city, one of the 13 settlements in Jerusalem, Efrat or Bet El. The Nablus Road branch of the Israeli Ministry of the Interior is for the service of East Jerusalem's 'legal' Palestinian residents. All registrations of births, deaths and marriages are handled here, as well as documentation of eligibility for National Insurance benefits, visa applications, family reunification applications, and the issue of Israeli-approved travel documents for Palestinian Jerusalemites. In the spring of 1996 the Minister of Labor and Social Affairs, Oran Amir, under the Rabin/Peres government, was so appalled by the conditions at the branch that he ordered that facilities be shut down until renovations could be completed. In response, the current metal enclosure was built to control the number of people passing in and out.

The Israeli population census conducted in 1967 recorded 66,000 Palestinians living in East Jerusalem. Of the total figure, 44,000 were living in Jerusalem as per the Jordanian municipal boundaries and 22,000 were living in the areas Israel annexed to Jerusalem. These 66,000 Palestinians were classified as 'permanent residents of Israel' according to the **Law of Entry to Israel (1952)**.¹⁸ Under this law, residence in Israel is a privilege subject to numerous qualifications and restrictions. When Israeli Law was applied to annexed Jerusalem, Palestinian residents of the city became subject to the tenets of this law. The practical implication of this law is that the Ministry of the Interior has the legal authority in determining who receives and is allowed to maintain **Jerusalem residency rights**. For example, all Palestinian Jerusalemites wishing to travel abroad must obtain an Israeli reentry visa. Failure to do so means the Palestinian traveler will lose his or her right of return. In addition, a Jerusalem resident who lives abroad for more than seven years automatically loses their residency right. Fur-

¹⁸ Lea Tsemel and Ingrid Jaradat, *The Trap is Closing on Palestinian Jerusalemites*, AIC Memorandum no. 1/1996, February 1996, p. 7.

thermore, residency, unlike citizenship, does not automatically extend to the resident's family. Palestinian Jerusalemites marrying spouses from the rest of the Occupied Palestinian Territories (must apply for **family reunification** in order to reside legally with their spouses in Jerusalem. In 1994, 109 out of 136 documented applications for family reunification submitted to the Ministry of the Interior were flatly rejected. Moreover, the Law of Entry into Israel does not oblige the authorities to give any justification or reason when an application is turned down.¹⁹ Finally, the Ministry of the Interior will only register children as Jerusalem residents if the father holds a valid Jerusalem ID card. Children born to families in which only the mother holds Jerusalem residency will be considered residents of the OPT and excluded from the benefits attached to Jerusalem residency, such as access to public health services and the right to enroll in a Jerusalem public school.²⁰

Since the beginning of the Oslo process, the Ministry of the Interior has been part of a dramatic attack on Palestinian residency rights in Jerusalem. Despite assertions that it has not changed its policies, the ministry has begun to require that Palestinian Jerusalemites prove that their 'center of life,' is within the municipal boundaries of the city.²¹ This restriction has been stringently applied to Palestinians who hold a foreign passport in addition to Jerusalem residency. Prominent Palestinian journalist Daoud Kuttub was recently informed by the ministry that he had a 'choice' between his American passport and his Jerusalem ID card.²²

Furthermore, Palestinian Jerusalemites who have been forced to seek housing outside of the municipal boundaries have also had their residency rights revoked under the 'center of life' requirement, even though Israel does not explicitly recognize the West Bank as a foreign country.²³ This stipulation on residency rights has serious implications for Palestinian Jerusalemites, particularly considering that more than

¹⁹ *Ibid.*, pp. 8-10. There is also a distinct element of sexism and racism in the Ministry of the Interior's policies. Until 1994, no applications were accepted from female Jerusalemites on the grounds that a traditional Arab woman would go and live with her husband's family and would, therefore, not be residing in Jerusalem.

²⁰ *Ibid.*, p. 9.

²¹ *The Economist*, 23 November 1996, p. 57.

²² Discussion with Lucy Nusseibeh, MEND, Jerusalem, 13 November 1996.

²³ Tsemel and Jaradat, *op.cit.*, p. 16.

12,000 Palestinians now live outside of the municipal boundaries as a result of the housing shortage, which is also a product of discriminatory Israeli policies.²⁴

Following substantial internal and international protest over the increase in the number of Palestinians having their residency rights revoked, the Israeli Foreign Ministry issued a response to its consulates and embassies.

*"Palestinian residents of Jerusalem who subsequently take up residence elsewhere forfeit their right to residency in Jerusalem. Citizens may reside wherever they wish; residents can only reside in one place at one time. One can be a citizen of Israel and reside in France or be a French citizen and reside in Israel but one cannot be a resident of Israel and reside elsewhere..."*²⁵

According to the official figures of the Israeli Ministry of the Interior the number of ID cards confiscated between 1967 and May 1997 had reached 1,476.²⁶

Denial of Residency Rights – One Man's Story

One could say that Abed Ammouri has lived the 'American dream'. In 1979, he and his brother moved to the United States from Jerusalem, the city of their birth. Texas was the Promised Land for the brothers. There they found prosperity, or rather earned it with a lot of hard work. Abed worked at a country club at first, then he put himself through Texas A&M where he obtained a BA in management information systems. His brother got a job with IBM and before long was a team leader with a salary that was not to be sneezed at. Abed bought property, including a gas station. He voted, paid his taxes and lived like a good citizen. Abed is proud to be an American. However, he is also proud to be a Palestinian American.

The Ammouri family traces its roots in Jerusalem back some 2,000 years. They possessed land all over the area of Shu'fat. They had little doubt about their identity as Jerusalemites. If 2,000 years of heritage does not make you a native, what does? Even though they went to the States, there was never a question of who they were

²⁴ Bernard Sabella, "Emigration from Jerusalem," as quoted in Kothari and Abu-Shakrah.

²⁵ AIC Press Release, 8 November 1996.

²⁶ *Ha'aretz*, 17 March 1997.

and where they were from. America had done right by the brothers, but as their families grew their roots started tugging at them. With the peace process they thought there was a new opportunity to return and live in peace with their Jewish neighbors. Both brothers planned to move their families back but retain their business interests in the US. Imad thought he would stay with IBM for a few more years while his family settled in. Abed thought he would divide his time: three months in Texas, six months at home. He knew it would be hard, but it would be worth it, because Jerusalem is home.

When Abed came back in 1996 he entered on his American passport. The residency status of his wife and three children was secure, so being a tourist in his homeland seemed like a small price to pay to come home. It worked for a while. Then, on his last entry through Ben Gurion Airport, he received a stamp in his passport reading that he could not leave the country without a permit from the Ministry of the Interior. Therefore, when his business required that he return to the US he went to the ministry to investigate the problem. That is when he learned that the Ministry of the Interior would gladly permit him to leave, and he should certainly take his wife and three children with him. They no longer had a valid right to be residents of the State of Israel as far as the ministry was concerned. Abed could leave, but he could never come back.

The Ammouri brothers, like thousands of other Palestinian Americans, were eager to obtain American citizenship as a measure of security against their stateless existence. However, the passport did not change the fact that they were Palestinians any more than it negated the Israeli identity of the countless Israeli Americans. The Israeli Government actively condones dual citizenship. But that is the problem: Abed and Imad are not Israeli citizens, they are 'permanent residents', and according to the law: "One can be a citizen of Israel and reside in France or be a French citizen and reside in Israel; but one cannot be a resident of Israel and reside elsewhere." Although the brothers had been coming back and forth since they left, their possession of American passports was enough to convince the Israeli Ministry of the Interior that they were, indeed, residing elsewhere. Thus, their residency rights are nullified. In addition, although the question concerns only the residency rights of the two brothers, the Israeli Government also wants to revoke the ID cards of the families as well.

What could they do? Imad gave up his job with IBM in order to hang on to his rights in his hometown. Abed spends hours on the phone and fax trying to sort out his business holdings back in Texas. The brothers contacted a lawyer who told them nothing could be done. In short, they are hostages in their own home, living under a strange form of house arrest. Abed just does not get it. In his opinion, residency is for the people who have been here for 2,000 years and not the Russians who have moved into a settlement built on his family's land! He feels like someone came for a visit to his house and then threw him and his family out on the street. After all, Israel came to them in 1967, not the other way around. So, how do they

claim the right to determine if he and his family have a right to live in Jerusalem? Abed is furious with Israel, and he feels abandoned and neglected by the US. "America," he says, "is supposed to stand up for the rights of people, but it treats Israel like a spoiled baby! How would America react is this were Iraq doing this to me?"

Now the brothers have an awful choice: stay and lose their business in the US or leave and lose their rights. For now they will stay. Abed feels his situation is better than most. The family has a grocery and he and his wife have a comfortable three-room apartment. They will stay and fight it out. Even though he feels sometimes like he is trapped in a box, Abed is going to fight for his rights to his home. "And," he says in his Texas drawl, "I'm just gonna let the whole world know about it!"



Greater Jerusalem

Introduction

Up until the mid-19th Century, Jerusalem was strictly confined to the one square kilometer of the Old City. Less than 200 years later, the area that once ended with the city walls now extends almost to Jericho, as Israel discusses plans for the creation of an umbrella municipality, which will administratively and physically absorb several of the largest West Bank/Greater Jerusalem settlements into the Jerusalem Municipality. Despite the sheer physical scope of the area involved, and unarguable inconsistencies - such as the fact that Greater Jerusalem actually extends south of Bethlehem - there is a remarkable consensus in Israel that these settlements are part of Greater Jerusalem and must remain in Israel after any political settlement with the Palestinians.

Ask any real estate agent selling properties in Jerusalem where the best deals are for young families and they will quickly point out Ma'aleh Adumim and Givat Ze'ev. Ask any settler in either of these two settlements what city they are from and they will answer you without blinking: Jerusalem. As the peace process remains mired in the diplomatic mud, Israel is quickly taking physical and legal action to inextricably tie some 100 square miles of the West Bank to Israel proper under the rubric of Greater Jerusalem. If the current plans succeed in their present scope, a massive wedge of Greater Jerusalem settlements will bisect all dreams of Palestinian sovereignty in the West Bank. This chapter covers the major settlement blocs, which comprise Greater Jerusalem, the phenomenon of bypass roads, closure, land confiscation in the West Bank, and water usage.

GREATER JERUSALEM STATISTICS:

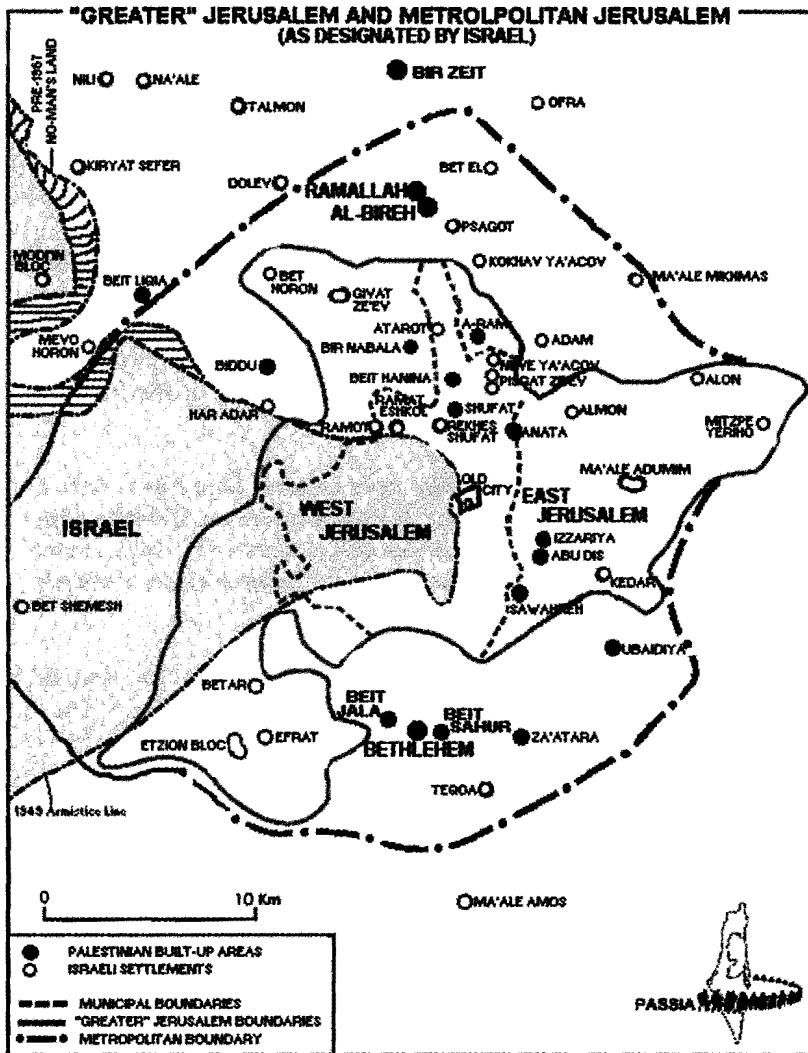
SETTLEMENT	YEAR ESTABL.	POPULATION	UNITS	DISTANCE FROM JERUSALEM
GIVAT ZE'EV	1977	9,053	1,800	6
MA'ALEH ADUMIM	1975	21,257	4,500	12
KEDAR	1984	400	27	16
HAR GILO	1976	350	61	4
NEVE DANIEL	1982	480	98	15
ELAZAR	1975	450	62	16
EFRAT	1979	6,038	1,100	17

Sources: Population Figures: YESHA Council; Housing Figures: Applied Research Institute Jerusalem; *Ha'aretz*, 7 September 1998.

The Concept of Greater Jerusalem

The Greater Jerusalem concept has its origins in the **Allon Plan**, which mandated that Israel settle strategically important areas of the West Bank and annex them to Israel proper before any territorial settlement with the Jordanians. These strategic areas included the Jordan Valley, a band of territory in the northwest between Tulkarm and Qalqilya, and Greater Jerusalem.

Today, 'Greater Jerusalem' refers to the annexation of a 100-square-mile area extending from Bet El to the north, Givat Ze'ev and Mo'daim to the west, Gush Etzion to the south and Ma'aleh Adumim to the east. In all, some 20 settlements come under the Greater Jerusalem definition; together, they include a population in excess of 200,000. All successive Israeli governments, including the Rabin/Peres administration, have favored the annexation of this bloc of territory to Israel proper to satisfy any territorial settlement.



Ironically, the Oslo process has actually facilitated the integration of these settlements into Israel, as the advent of the **Palestinian Authority** means Israel no longer has to worry about annexing the Palestinian population of Ramallah and Bethlehem with the territory it takes. In fact, the demographic threat perceived in annexing people with the land was a major reason that steps were not taken to integrate these settlements into the Jerusalem municipality at an earlier date. However, now that the majority of the Palestinian population in these areas falls under the jurisdiction of the Palestinian Authority, Israel can annex the territories around the populated areas where Israeli civil administration still applies. Steps are already being taken to annex large sections of the West Bank to Israel under the guise of expanding the municipal boundaries of Jerusalem. For example, in a speech on 16 April 1997, the Minister of the Interior, Eli Suissa, said:

“Israel should consider annexing areas beyond Jerusalem’s eastern boundaries. There is no reason for Ma’ale Adumim or Mishmor Adumim or Givat Ze’ev to be independent municipalities. We should assure that they become part of Jerusalem so that the Jewish majority of the city will grow.”¹

In June 1998, the Netanyahu cabinet approved what was deemed an emergency plan to “fortify Jewish control over Jerusalem.”² The plan called for the creation of an umbrella municipality for the area of Greater Jerusalem, which would include West Bank settlements such as Givat Ze’ev, Ma’aleh Adumim and Betar. While falling short of annexation, this plan, when implemented, would solidify much of Greater Jerusalem into a single planning and administrative unit headed by the West Jerusalem mayor. Once the single planning council is in place, there is little to prevent massive Israeli settlement and road construction to connect the area together. An aerial view of Jerusalem and environs reveals how the expansion of key settlements both inside and outside the current municipal

¹ Nadav Shragai, “Plan to Set Up Mega-Jerusalem Municipality to Include Surrounding Settlements,” *Ha’aretz*, Sunday, 11 May 1997.

² Nadav Shragai, “Jerusalem to Be Enlarged to Retain Jews’ Edge,” *Ha’aretz* (English Edition), 20 May 1998.

boundaries (such as Givat Ze'ev, Pisgat Ze'ev, Adam and Neve Ya'acov) along the new system of bypass roads will serve to create a continuous chain of Israeli settlements going deep into the heart of the West Bank. The end result of this process will be the expansion of Israel's metropolitan core from Tel Aviv to the outskirts of Jericho. The success of Israel's development of Greater Jerusalem will mark the demise of Palestinian aspirations for independence in the West Bank.

Givat Ze'ev - The Northern Expansion

When traveling to Givat Ze'ev from Ramot, a large military checkpoint firmly indicates the end of the city limits and the beginning of the West Bank. Just meters after the checkpoint is a large, colorful billboard, which announces in Hebrew 'Welcome to Givat Ze'ev'. What this sign announces, even though the current entrance to the settlement is still a ten-minute drive away, is the scope of the eventual expansion of Givat Ze'ev. The West Bank settlement of Givat Ze'ev is located six kilometers northwest of Jerusalem. It was founded in 1977 on land belonging to the nearby villages of Al-Jib and Betunia. Givat Ze'ev currently covers 310 acres and consists of approximately 1,800 units with another 2,650 units under construction. The population is currently 7,981, although future projections are for 20,000.

A drive through the various neighborhoods of this settlement reveal the undeniable truth that the existence of Givat Ze'ev is an accomplished fact. After 20 plus years of settlement, there are already families with children that have been born here and are considering starting families of their own. Dotted with small shopping centers, beauty salons, playgrounds and parks, one has to wonder why anyone would be crazy enough not to live here. Without question, quality of life, strong community structure and ease of access to Jerusalem are the main selling points used to attract new residents to this settlement. A random street survey of Givat Ze'ev residents will quickly indicate that few of the people living here see themselves as settlers and fewer still even consider it a remote possibility that a

peace agreement with the Palestinians would result in the loss of their homes.

From the rooftop of the tomb of the Prophet Samuel (**Nabi Samwil**) nearby, it is easy to trace the expansion of all of these settlements. In clear view, on a hill to the immediate west of the shrine, it is already possible to see the groundwork that is being laid for a new settlement to be called **Har Shmeul**. In fact, this new settlement, as well as the rest of the expansion visible from Nabi Samuel, is the beginning of a massive settlement bloc. The planned expansion will spread for more than 7,500 acres on land that Israel admits is 80 percent Palestinian-owned. These plans include a proposed industrial park at the tip of **Qalandia Airport** in the east, and an ever-expanding Givat Ze'ev in the center.³

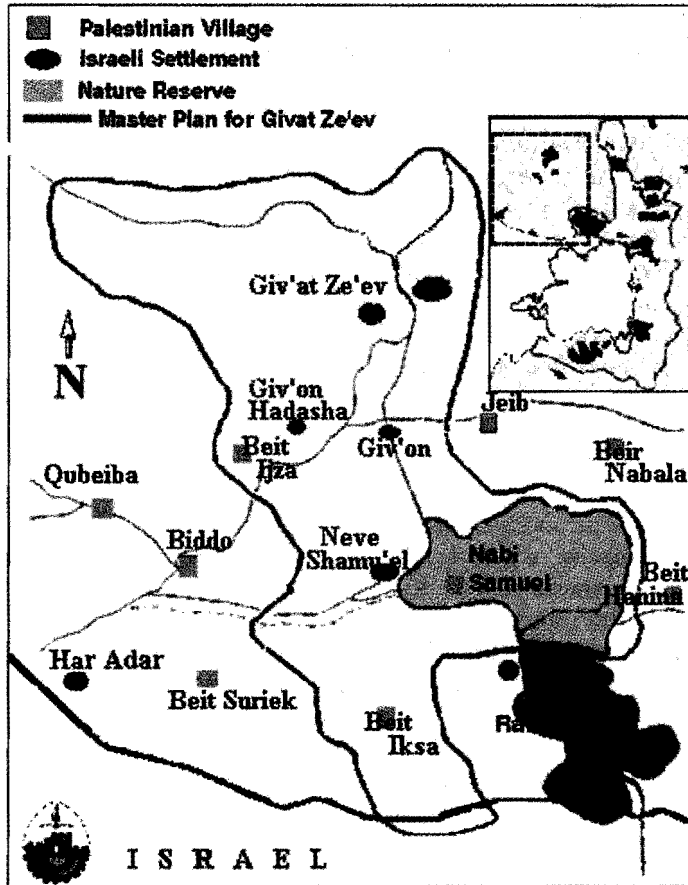
Israeli planners have also announced plans for Givat Ze'ev, which could ultimately increase the total area of the settlement, including Givon, Beit Horon and Har Adar, to a possible 54 square kilometers. Givat Ze'ev will then be the second largest city in the West Bank after Ma'aleh Adumim. On 28 January 1996, the Israeli Government approved 2,650 new buildings, which would increase the population of Givat Ze'ev to 20,000. Then, on 13 March 1997, it approved the expropriation of an additional 200 acres from Al-Jib and Betunia, to make way for 1,550 housing units.⁴ This expansion will link Har Adar (population 1,500), Beit Horon (population 600) and Givon (population 1,000) with Ramot and the municipal boundaries of Jerusalem. Furthermore, with the completion of Route 45, Givat Ze'ev will be a mere 20-minute drive from the airport.

This planned expansion fits in neatly with the gradual annexation of more West Bank territory to Jerusalem. As previously discussed, in the summer of 1998, the Israeli Government was in the process of approving a plan to include many of the Greater Jerusalem settlements under an **umbrella municipality**. Despite wide international condemnation of this plan, which would effectively annex huge tracts of land (such as the total

³ Foundation for Middle East Peace. *Report on Israeli Settlements*, July-August, 1998.

⁴ *Eye on Palestine*, ARIJ website at www.arij.org.

planned area of Givat Ze'ev) to Israel in advance of a final agreement with the Palestinians, the Israeli Government insists that these changes are entirely an internal Israeli matter.



The US Government had the following impression of the umbrella municipality plan's potential to impact the Oslo Process:

*"Insofar as planning and construction is concerned, the relevant Jewish settlements in the West Bank will be functionally detached from the authority of the Civil Administration (the Military Commander) and, in essence, will come under the direct control of civilian Israeli authority. In terms of planning and construction, these settlements will be empirically indistinguishable from those towns and cities in Israel proper...Until now, and even after Oslo, there has been a clear, binary distinction between Israel proper (the rule of Israeli Law) and the West Bank (despite all discounts, Military Rule). The proposed umbrella municipality plan entirely blurs this distinction, rendering the 'green line' meaningless - even as a term of reference... The term 'Greater Jerusalem' has to date been a rather amorphous, and not terribly binding, declaration of intent. After this proposal the same term will constitute a geographically and ethnically defined entity, clearly expressed in legally defined borders, in which [Israeli] civilian control is exerted over territories previously deemed 'occupied'."*⁵

Also on the route to Givat Ze'ev it is possible to see how the remaining farm land of the village of Al-Jib runs up to the limits of Givat Ze'ev. Al-Jib itself is a Palestinian village with a history of some 3,500 years. Inside the old city is an ancient water system. It is also reported to be the biblical village of Gibeon, whose residents tricked Joshua into helping them defeat the Caananites.⁶ Unlike the residents of the surrounding settlements who enjoy full rights as Israeli citizens and encounter no restrictions on travel, the Palestinians from Al-Jib and adjoining Betunia hold West Bank ID cards and are, therefore, prevented from reaching Jerusalem without obtaining permission from the Civil Administration. Because the residents of these villages now fall under the civil jurisdiction of the Palestinian Authority (Area B) they will remain outside of the municipal boundaries of Jerusalem when the umbrella municipality is created. Such an annexation, which is currently in the planning stages, will effectively turn these villages into small islands.

⁵ Excerpts from a US State Department analysis of the proposed plan for an umbrella municipality, including undetermined West Bank settlements, approved by the Israeli Cabinet on 21 June 1998. *Report on Israeli Settlements*, July-August, 1998.

⁶ Joshua 10:12.

Ma'aleh Adumim and the Eastern Gate

While the plans for Givat Ze'ev serve to fence Jerusalem off from the Palestinian population centers in Ramallah to the north, Ma'aleh Adumim and the proposed E-1 plan will serve to chop the West Bank in two, by developing an Israeli presence as far as the outskirts of Jericho. With regard to the scope of Greater Jerusalem, from the eastern angle there are approximately 38 kilometers between Jerusalem and Jericho. Ma'aleh Adumim is 12 kilometers from Jerusalem, Kedar 16 kilometers and Mitzpeh Jericho some 20 kilometers outside of the city limits. An expansion plan for Ma'aleh Adumim was approved in 1997; it would expand the area of Ma'aleh Adumim to over 3,000 acres (12,433 dunums), which, when connected with the proposed E-1 plan that itself connects to the Jerusalem municipal settlement of Pisgat Ze'ev, would create a continuous chain of housing units, hotels, roads and industries for the exclusive use of Israeli citizens. In the meantime, the Palestinian suburbs of Al-Izzariya, At-Tur and Abu Dis, which used to be villages outside of the municipal boundaries, now find themselves sandwiched between the city settlement of Ma'aleh Adumim and the Jewish settlements surrounding Jerusalem. With their development prospects sharply curtailed and under constant threat of having their homes demolished after any attempts at expansion, the residents of these villages have little choice but to sit and watch the settlements expand on their land.

- **Eastern Gate/ E-1 Plan**

When traveling from Pisgat Ze'ev towards Ma'aleh Adumim as late as the summer of 1998, one will notice large tracks of undeveloped land between the Arab villages of Anata and Az-Zayim. These empty tracts, kept undeveloped by Israeli military orders forbidding development, will be the eventual sight of the E-1 or **Eastern Gate** settlement bloc. The first component of this plan is a new settlement, proposed by Ariel Sharon, to create a link between French Hill and Pisgat Ze'ev. The 100 acres of land that are now the **Shu'fat Refugee Camp** mark the only break in the

chain. Removal of the camp is therefore a priority for the municipal government.⁷

The E-1 plan, an extension of the Eastern Gate project was approved by Israeli Defense Minister Yitzhak Mordechai. It includes expropriation orders for thousands of acres to enable the construction of 1,500 housing units, an industrial park and ten hotels (with a total of 3,000 hotel rooms). The ultimate goal of this plan is to create a physical link between French Hill, Pisgat Ze'ev and Ma'aleh Adumim. According to the *Jerusalem Post* the goal of this settlement chain is not only to create a territorial link between Jerusalem and the largest settlement in the territories Ma'aleh Adumim, but to also prevent a territorial link between Bethlehem and Ramallah.⁸

• Ma'aleh Adumim

The settlement of Ma'aleh Adumim is marketed as the fastest growing Israeli 'city' in the West Bank. It is viewed as the best investment for housing, industry and tourism and promotes itself as having a dry climate and spectacular desert views.⁹ The settlement began in 1975, when a small group of settlers drew up the first plans for a settlement on the Judean plains east of Jerusalem. Israeli Government approval had been granted for this site in 1977 by the Begin government and in 1979, the cornerstone of the first building was laid. In 1982, the settlement was officially inaugurated and schools opened for the settlement's residents. By 1984, Ma'aleh Adumim was home to 1,700 families, and by 1989, that number had grown to 2,800 (13,000 people). Businesses were developed and more infrastructure laid down as the settlement continued to grow. By 1991, with 3,250 existing housing units and an additional 1,000 under construction, Ma'aleh Adumim was the first Jewish settlement given the status of a city in 'Judea and Samaria'.

⁷ *Eye on Palestine*, ARIJ website at www.arij.org.

⁸ *The Jerusalem Post*, Friday, 21 February 1997.

⁹ *International Campaign to Halt the Spread of Ma'aleh Adumim*, The Action Committee for the Jahalin Tribe (ACJT), information packet released 29 May 1995.

At that time, the plan was to bring the 1991 population of 15,000 up to 20,000 by 1993 and to 50,000 by the year 2000. The settlement enjoyed great success in meeting these projections as Ma'aleh Adumim became known as an area that offers a high quality of life at a bargain price. The city grew rapidly, not only as a housing development, but also as a center for business and industry. Today the city-settlement of Ma'aleh Adumim has a population of more than 21,000.¹⁰ There are approximately 4,500 completed housing units while an additional 6,200 units are under construction.

The ultimate planning scheme for Ma'aleh Adumim was finalized in 1993. According to this plan, the settlement would ultimately cover 35 square kilometers¹¹ (as opposed to the current 3.7 square kilometers). The municipality proudly boasts that this “picturesque town on the edge of the desert” will have a population of 50,000 by the year 2005, due to the “vast land reserves” available for development.¹² The area due east of Ma'aleh Adumim on the Jerusalem-Jericho road is known as **Kedmat Adumim**, and is advertised as offering a “village quality of life, clear mountain air and the scent of pine trees.” In this sub-section of the settlement, a 152-square meter, six-room, ground-floor apartment with a balcony and a garden will cost \$240,000, which is roughly the cost of a three-room apartment in a nicer neighborhood in downtown Jerusalem. A first or second-floor apartment of 128 square meters with five rooms will cost only \$200,000. Smaller layouts with four rooms range between \$150,000-180,000. Development plans for the settlement include health centers, research centers, hotel facilities, restaurants, swimming pools, public parks and light industrial areas¹³ - in short, everything needed for a self-sufficient metropolitan area. The municipality even intends to capitalize on Christian tourism by exploiting the site of the **St. Martyrius Monastery**, a Byzantine-era monastery discovered during the settlement's construction.

¹⁰ *Binyamin Region*, YESHA website at www.yesha.virtual.co.il.

¹¹ *Eye on Palestine*, ARIJ website at www.arij.org.

¹² “The Best Investment: Ma'aleh Adumim,” Ma'aleh Adumim Municipality brochure, pp. 1, 2.

¹³ “The Expansion of Ma'aleh Adumim Settlement,” Jerusalem Legal Aid Center.

Residents of Ma'aleh Adumim, generally, do not view themselves as settlers. They see themselves as living comfortably in a suburb of Jerusalem. The city's English language newsletter featured an article describing the complaints lodged by many of the residents when a security checkpoint was erected at the entrance to the settlement. They complained that the roadblock was a major inconvenience, as it caused traffic slow-downs for traffic entering and leaving the settlement.¹⁴ Residents cite low-cost housing and the view of the desert as major reasons for purchasing an apartment in Ma'aleh Adumim. In addition, Ma'aleh Adumim has some of the lowest municipal taxes in the country.¹⁵ According to one prospective resident of the settlement:

"We were living in Jerusalem and I hate to admit that I am disappointed. Ma'aleh Adumim has flowers and open spaces. The air is clean. You can use your car easily. It's what's been missing from my life here."¹⁶

Since the beginning of the peace process in Madrid, the Likud mayor of Ma'aleh Adumim, Benny Krashriel, has aggressively sought and received assurances from successive Israeli governments that Ma'aleh Adumim would be annexed to Israel under the terms of any negotiated settlement with the Palestinians. A publicity flyer for the settlement includes photographs and quotations from prominent Israeli leaders, including Shimon Peres, Yitzhak Rabin, Haim Ramon and Meretz party leader Yossi Sarid, pledging their support for the inclusion of Ma'aleh Adumim within the final boundaries of the Jewish state.

The following is a quote about Ma'aleh Adumim from the former Minister of Housing under Rabin/Peres:

"No one considers the possibility of dismantling Ma'aleh Adumim and Givat Ze'ev. It won't happen... I see a chain of settlements that sur-

¹⁴ *The Ma'aleh Adumim Connector*, April 1996, p. 1.

¹⁵ "The Best Investment: Ma'aleh Adumim," op.cit.

¹⁶ Quotation from Julie Margulies, a Hebrew teacher from Seattle, WA. *The Ma'aleh Adumim Connector*, April 1996, p. 1.

*round [Jerusalem] in two circles. The first circle is Ma'aleh Adumim and Givat Ze'ev. The natural growth of these communities will continue. If you ask whether apartment prices in these places will fall - my answer is no. Half of Meretz lives in Givat Ze'ev and Ma'aleh Adumim.... For me this is Greater Israel. Givat Ze'ev, Ma'aleh Adumim, and Betar - they are integral parts of the State of Israel.*¹⁷

Proof of Israel's intention to annex the entirety of the Greater Jerusalem settlement block to Israel can be found in the fact that Ma'aleh Adumim is one of the settlements slated to be incorporated into the umbrella municipality plan. Ironically, however, the Ma'aleh Adumim mayor is stridently opposing the proposed annexation.

- **Consequences of the Ma'aleh Adumim Expansion:**

The Jahalin Bedouin

The Jahalin Bedouin lived in the Tel Arad region of the northern Negev for generations preceding the establishment of the State of Israel. In the 1950s, the Jahalin were expelled by the Israeli army into the then Jordanian-governed West Bank. They settled in this area and paid a percentage of their produce as rent to landowners from Al-Izzariya and Abu Dis. Population estimates of the Jahalin Bedouin in the area of Ma'aleh Adumim put the number at roughly 150-300 families (2,000 persons). Unfortunately for the Jahalin, the land that they were renting was confiscated from the Palestinian owners to make way for the construction of Ma'aleh Adumim. (These landowners also failed to inform the Jahalin that the land that they had been living on for 40 years had been confiscated.) The first 50 Jahalin families were displaced by construction in the early 1980s. However, the Jahalin Bedouins' real trouble began when the Israeli government-appointed mukhtar was induced to sign a document stating that the Bedouin were aware that their stay was temporary. This document

¹⁷ *Report on Israeli Settlements*, January 1996, p. 5.

essentially invalidated their protected tenancy and gave them the status of squatters on government land.¹⁸

In 1993, as the settlement entered a period of rapid expansion, the Israeli Government issued eviction orders against the Jahalin. In May 1995, attorneys for the **Society of St. Yves** representing the Jahalin submitted a high court petition stating that the land on which the Jahalin lived was not included in the original confiscation order, and therefore the tribe should be able to remain there. In addition, the petition demanded the minutes and evidence from the original confiscation order in 1981, which would prove that the Jahalin land had not been included in the original confiscation. The court issued a temporary order, at that time forbidding the eviction of the Jahalin until a final decision was made. The state attorney then claimed that all evidence and the minutes had been destroyed, and therefore no proof remained. No decision was taken at that time. The temporary order prohibiting the eviction of the Jahalin remained in effect.

To fully understand the story of the Jahalin Bedouin, it is useful to begin with a short tour of the new **06 Development**, which is located just to the right of the settlement's main entrance. This cottage-style development was marketed as the 'Desert Enchantment' neighborhood, and is an example of one development in Ma'aleh Adumim specially sponsored by the Israeli Ministry of Housing, the Jerusalem Municipality and the Ma'aleh Adumim Municipality. The 06 Development was described as a "prestigious cottage project," where prospective residents would enjoy a six-room split-level cottage, with a cellar, balcony, private garden, master and two smaller bedrooms, two bathrooms and a workroom. The price tag for these cottages is roughly \$270,000. The advertisements for the 06 Development promote the area as both prestigious and spacious, with a commanding view of the desert foothills.

As the neighborhood was also squarely on the land inhabited by the Jahalin Bedouin, the government made the decision to expel them in order to make way for the planned expansion. A period of intense construction

¹⁸ *International Campaign to Halt the Spread of Ma'aleh Adumim*, The Action Committee for the Jahalin Tribe (ACJT), information packet released 29 May 1995.

for the 06 neighborhood then commenced, which eventually overwhelmed the Jahalin encampments. On 1 December 1995, the Society of St. Yves submitted a request for the court to issue a second temporary order halting construction within a 100-meter radius of the Jahalin encampments, since the activity itself effectively constituted an eviction. The High Court issued the order, and also stated that current construction sites had to be fenced in, to protect the Jahalin population from the deep pits and construction waste. The contractors then began building the fences around the Jahalin encampments, effectively enclosing them within rings of heavy construction. From that point forward, the Jahalin faced a constant battle with contractors, who tried to get around the orders and continue construction to meet their own deadlines.

In March 1996, the Israeli Government petitioned the court to narrow the restriction order on construction since the apartments were due to be completed by the spring of 1996 and the government wanted to avoid financial damages created by this delay in construction. In essence, the Israeli Government intervened on behalf of the private contractors to force construction on expropriated land for which a High Court ruling was still pending.¹⁹ On 2 January 1997, the Israeli High Court of Justice gave approval for the army to expel the Jahalin on the strength of assertions by the Israeli authorities that the land is **'State Land'**. Court President Justice Aharon Barak approved their expulsion on the grounds that the papers concerning the expropriation of the Jahalin land and the agreement signed by the mukhtar were destroyed by the **Ministry of Justice**.²⁰

During the last two weeks of January 1997, large contingents of Israeli soldiers and police evicted the Jahalin; during the eviction ten Bedouins were beaten and wounded by the Israeli army.²¹ The Jahalin were then transferred to an alternative site further to the south, provided by the Israeli Government. The new site is 500 meters from the Jerusalem garbage

¹⁹ *State Continues to Defy Court Order and Evict Jahalin*, LAWE Press Release, 8 May 1996.

²⁰ *Jahalin Bedouin to be Forcibly Expelled from Ma'ale Adumim at Time of Hebron Redeployment*, LAWE Press Release, 2 January 1997.

²¹ *Second Eviction of Jahalin Bedouin to Make Way for Settlement Expansion*, LAWE Press Release, 28 January 1997.

dump, which serves a population of between 600,000 to 700,000 persons. Some 700-800 garbage trucks drive past the site each day. The Israelis have drawn up a sketch, called a town plan for the site. According to this each family may have 500 square meters of land upon which to reside. They have also furnished some of the Jahalin with shipping containers to replace their demolished shacks. The site has one small pipe, which provides water for the entire new camp and no electrical services. The one eighth of an acre allocated to each family is not enough to provide space for their flocks of sheep that are their only livelihood. The Israelis have offered development and leasehold contracts to the Jahalin, but the Jahalin cannot sign these because they are not Jewish.²²

The site is also located on confiscated land, previously owned by residents of the nearby Arab village of **Al-Izzariya**. The map of the Oslo II Agreement signed in September of 1995 located the site within Area B. Lawyers for the Jahalin protested against their relocation to this site on the grounds that this specific area was no longer under the jurisdiction of the **Israeli Civil Administration**. At that point an amendment to Oslo II was produced that showed that the boundaries of Area B, around Al-Izzariya, had been shifted to exclude the proposed relocation site and included an additional portion of Al-Izzariya. The home of the chief negotiator for the Palestinian Authority, Sa'eb Erekat, is in the area of Al-Izzariya that was subsequently transferred into Area B in the land swap.²³

Wadi Nar - The 'Valley of Fire'

All main roads in the West Bank run through Jerusalem. Wadi Nar is significant because it is the only road that Palestinians who are not from Jerusalem and do not have Israeli permits to enter the city can use to travel from the southern part of the West Bank to the northern part. The northern half of the road, which extends from below **Ma'aleh Adumim** to **Ramallah**, was built by the Israelis after the Six-Day War. The southern portion dates back to the British mandate period and served as the main road to Jerusalem between 1948 and 1967. The steep grade and the sharp

²² Ibid.

²³ Statement from Attorney Allegra Pacheco.

curves make this an exceptionally dangerous and time-consuming road. Furthermore, the road is in a serious state of disrepair, exacerbated by the fact that there has been no funding for the repair of roads in the OPT since 1995, with the exception of bypass road construction and roads within Palestinian Area A. Thus, no general maintenance has been carried out since then.²⁴

The road was rarely used until Israel began to implement its policy of general closure in 1993. Since then it has become the route between the northern and southern West Bank in times of total closure, or for those Palestinians who are unable to obtain permits. The road has also become the main route of transit for goods moving between the two halves of the West Bank or east to Jordan. The Wadi Nar road adds up to two hours to the usual journey, dependent on the traffic and time of day. The direct distance between Ramallah and Bethlehem is about 22 kilometers, which generally constitutes a half-hour drive. The Wadi Nar route more than triples both the distance and the time.

Israel has regularly restricted the free movement of Palestinians since occupying the West Bank in 1967. A **closure** effectively seals the West Bank and Gaza from Israel proper and East Jerusalem. The stated purpose behind this policy is to prevent Palestinians, who allegedly pose a security risk, from entering Israel and harming Israeli citizens. In response to the *Intifada*, which began in 1987, curfews and closures were commonly used to control the Palestinian population. The process of comprehensively denying Palestinians access to East Jerusalem and Israel proper began in 1989, when Israel required all Gazans to carry magnetic ID cards in order to be able to leave the Gaza Strip and then refused to issue cards to those it deemed to be security risks. During the Gulf War, Israel instituted the first long-term closure of the OPT. A permit system was instituted at that time whereby any Palestinian holding an ID card from the OPT was required to apply for a permit in order to enter Israel or East Jerusalem. The process of obtaining a permit is both bureaucratic and arbitrary, without clear, consistent, written rules that are publicly available. The

²⁴ *The Jerusalem Post*, Thursday, 10 July 1997, p. 16.

only widely known guideline is that no single males, or males under the age of 35, are eligible for permits. Furthermore, those denied permits have no right to appeal, nor do they have the right to know why their request has been denied. A request can be resubmitted; however, there is no existing mechanism that enables the applicant to ensure that a review of the request actually takes place.²⁵

In March 1993, in response to a series of stabbings inside the 'Green Line', Israel enforced a general policy of 'closure' on the West Bank and Gaza Strip. From that point forward, **permanent checkpoints** have been erected on all roads leading out of the OPT. Any Palestinian holding an ID card from the OPT is required to obtain a permit in order to enter Israel or East Jerusalem, at any time, for any purpose. This general closure policy has effectively cut the Palestinian areas into four pieces: East Jerusalem, Gaza, the northern West Bank and the southern West Bank. The policy of general closure is further exacerbated when Israel imposes periods of total closure and even internal closure. All permits are summarily canceled during periods of total closure, which are usually imposed during Jewish holidays, in the aftermath of terrorist attacks, or whenever Israel perceives a security threat. Between March 1993 and 24 June 1996, Israel imposed 200 days of total closure and 100 days of partial closure, in addition to the general closure.

The Palestinian economy lost \$6 billion from 1992-1996, primarily because of the policy of extended closure. The Palestinian GNP per capita dropped 36 percent in that period: from \$2,700 in 1992 to \$1,700 in 1996. (In comparison, the GNP per capita in Israel is \$13,000). This dramatic drop resulted from the loss of both the wages of over 50,000 day laborers and a great deal of trade revenue, which occurred as a direct result of the Israeli closure policy.²⁶ According to PNA estimates, the Palestinian economy loses \$50-\$60 million for every day of closure.²⁷ A

²⁵ "Israel's Closure of the West Bank and Gaza Strip," *Human Rights Watch/Middle East*, Vol. 8. No. 3 (E), July 1996, pp. 16-19.

²⁶ "UN Says Israeli Closures Ruined Palestinian Economy," *Washington Report on Middle East Affairs*, June-July 1997, p. 41.

²⁷ "Israel's Closure of the West Bank and Gaza Strip," *Human Rights Watch/Middle East*, p. 44.

United Nations report issued on 3 April 1997 stated, "Clearly the impact of this policy [of closure] on economic development, social conditions, donor resources, United Nations activities and the peace process itself has been devastating."²⁸

Gush Etzion - The Southern Archipelago

The **Etzion Bloc** is of special significance to Zionist history as it was the site of four agricultural settlements prior to the establishment of the State of Israel. These agricultural settlements were completely wiped out during the War of 1948 in skirmishes with local irregulars and the Jordanian Legion. When the West Bank was captured in 1967, the Eshkol government allowed surviving settlers from the Etzion Bloc and their descendants to return to the area. These areas in particular were viewed as legally Jewish property that was lost as a result of the war and had subsequently been liberated. Settlement activity commenced again by September 1967.²⁹

Today, the Gush Etzion Bloc consists of 14 communities and two towns, Efrat and Betar. The communities are governed by a regional council, led by Mayor Shilo Gal, which oversees planning and development for the infrastructure and services of all the settlements of the bloc, while individual settlements are responsible for construction and expansion of residency units. The council offers services for the elderly, day-care and community centers, and parks and playgrounds, maintains an emergency rescue station for the 8,000 Jewish residents of the region, and manages the community *mikveh* (ritual baths). The council is also seeking to develop a tourism industry for Gush Etzion, which would feature nature walks, local contemporary history museums, and tours to ancient sites such as Herodion and Tel Tekoa. A Gush Etzion Foundation has been established to subsidize funding as part of the '**One Israel Fund YESHA Heartland Campaign**'. Fearing the drying-up of funds to West Bank settlements resulting from a 'Jewish boycott,' which would restrict expendi-

²⁸ *Washington Report on Middle East Affairs*, op.cit., p. 41.

²⁹ "The Etzion Bloc in the Hills of Judea," Kfar Etzion Field School, 1993.

tures to Israel proper, this private foundation is seeking support among “sympathetic supporters in Canada, Europe and the United States.”³⁰

The 14 settlements of the Gush Etzion Bloc are as follows:

NAME	CLASSIFICATION	FOUNDED	POPULATION
KFAR ETZION	Kibbutz	1967	525
HAR GILO	village	1968	378
ALON SHVUT	village	1970	2,003
ROSH TZURIM	kibbutz	1971	291
ELAZAR	village	1975	570
TEKOA	village	1976	900
MIGDAL OZ	kibbutz	1977	297
MA'ALEH AMOS	village	1982	359
NEVE DANIEL	village	1982	700
NOKDIM	village	1982	344
METZAD	village	1984	356
CARMEI TZUR	village	1989	360
KEDAR	village	1984	303
BAT AYIN	village	1989	450
BETAR	town	1990	9,712
EFRAT	town	1983	6,038

Source: YESHA Council and Gush Etzion Regional Council; *Ha'aretz*, 7 September 1998.

The bloc, which both Labor and Likud insist will be annexed to Israel in the event of any final settlement, will eventually house over 35,000 Israeli settlers, curtail the land available for the development of Bethlehem, and eliminate large stretches of Palestinian agricultural land.

³⁰ “Gush Etzion Foundation,” Gush Etzion Regional Council website at www.ladpc.gov.il.

- **Kedar**

On the road to Bethlehem, past the **Al-Izzariya** junction and the new Ja-halin encampment and just before the beginning of **Wadi Nar** is a large Israeli military installation leading to the isolated settlement of Kedar. Considered part of the Gush Etzion bloc, it was founded in 1984 and has a population of around 400 persons.³¹ The stated goals of the community are to form an economically independent community for the secular and the religious in a rustic atmosphere. However, the majority of the settlement's residents work either in Ma'aleh Adumim or Jerusalem.³²

- **Tekoa and Nokdim (Al-David)**

The Bethlehem area, with a Palestinian population of 150,000, is gradually being surrounded by Israeli settlements. From the north, the expansion of Gilo and the construction of Har Homa and Givat HaMatos curtail any possible expansion or integration with the Palestinian neighborhoods of East Jerusalem. To the south and west, the expansion of the Gush Etzion Bloc and the connecting bypass roads create an impenetrable fence. Even to the east, small settlement outposts like **Tekoa** and **Nokdim**, both of which consider themselves a part of Greater Jerusalem, serve to close the circle around the historically and religiously significant city. Tekoa, founded in 1977, is home to some 1,000 Jewish settlers, many of whom are Russian immigrants.³³ Tekoa boasts a sizable industrial area with a hat factory, a foundry, a production house for computer software, a goat dairy and an organic mushroom farm.

Nestled next to the ancient site of Herodian, is Nokdim or Al-David, with its population of 350. This tiny outpost was established in 1982 after the death of two Tekoa residents, one killed in a terrorist attack and another lost to Israel's Lebanon War. As told by Tekoa resident Bruce Brill, the intent of the killings was to drive the Jews from their historic homeland, Judea. The only appropriate response, therefore, was to retaliate by returning more Jews and founding yet another settlement. Both settlements

³¹ YESHA website at www.yesha.virtual.co.il.

³² "Kedar," Gush Etzion Regional Council website at www.lapdc.gov.il.

³³ "Region of Gush Etzion," YESHA website at www.yesha.virtual.co.il.

are in the process of expansion. On Tekoa, there is already a satellite community adjacent to the original settlement filled with caravans inhabited by some 20 families. According to Brill, families are already in line to purchase the new apartments once the settlers receive government permission to build.³⁴

According to Brill, both settlements are built solely on 'State Land'. Tekoa, he claims, was built on the site of a former Jordanian army encampment. Furthermore, Brill asserts that no settlement in 'Judea and Samaria' was built on Arab-owned land. He boasts that unlike the majority of the left-wing kibbutzim inside Israel proper, which are always built on destroyed Arab villages, the settlements in the Jewish heartland are scrupulously planned on land that was never owned by the Jordanian Government. In contrast to Brill's contention, Palestinian Legislative Council member Salah Tamari of Bethlehem remarks that the land under the Tekoa settlement was the traditional grazing land belonging to his family.³⁵ This apparent contradiction arises from the manner in which Israel has regulated land ownership through the Civil Administration in order to facilitate 'legally' the transfer of land into the hands of Israeli settlers. Thus, due to the complex web of Ottoman, British, Jordanian and military codes that Israel applies to land in the West Bank, both men are most likely speaking truthfully – but from their respective perspectives.

State Land and Land Registration in the West Bank

Israel has traditionally relied upon a series of quasi-legal methods to confiscate land from Palestinian landowners. The standard method used within the Israeli-defined municipal boundaries of Jerusalem is the application of the **1943 British Mandatory Land Ordinance**, which allows for the Minister of Finance to expropriate 'private land' for 'public purpose'. In the West Bank and Gaza Strip, however, the Israelis have relied upon military orders as well as the manipulation of **British and Ottoman statutes** to expropriate land. One example is the 'Fallow Farm

³⁴ Interview with Bruce Brill, Tekoa, April 1998.

³⁵ Meeting with Salah Tamari, Bethlehem, April 1998.

Land' rule, which heralds back to the Ottoman period. All Ottoman codes regarded God as the ultimate sovereign and the ultimate owner of all the land. The Sultan, as the representative of God on earth, acted as the trustee of the land. According to this code, any land that lay fallow for more than 15 years reverted to the Sultan. The Israelis interpreted the Ottoman code to mean that any land not continuously cultivated reverts to state ownership. They have made use of this code, even though it violates Jewish religious law, which mandates that land should lie fallow once every seven years.

The term '**State Land**' is continually used by Israeli settlers and policy-makers with respect to settlements in the OPT. The use of this term is meant to assert that land expropriated for settlements has never been privately owned or developed. However, the term is very misleading when one considers the way in which land has become classified as 'belonging to the state.' In reality, land deemed as 'State Land' is most often privately owned Palestinian land, which has fallen into a series of legal classifications governing land in the West Bank. For example, the Jordanians began a process of officially registering all private land under a title and deed system, to replace the old Ottoman system. Only one third of Palestinian land had been officially registered under the Jordanian system by the outbreak of the War of 1967. Israeli **Military Order 291**, issued in 1968, terminated that process of modern land registration. **Military Order 1091**, issued in 1980, compounds order Military Order 291, by subsequently declaring all unregistered land in the West Bank as 'State Land'. Thus, Palestinian landowners who had not registered their land with the Jordanians prior to 1967 no longer had any means of proving ownership of their lands in a manner that satisfied the new stipulations of Israeli Law. This order has allowed the confiscation of more than 800 square kilometers of Palestinian land, most of which was continuously cultivated. Once land has been declared 'State Land', Israeli Law allows it to be transferred to the **Israeli Development Authority**, which can then lease it to the Zionist Agency or the **Keren Kayemet** for Jewish development.³⁶

³⁶ Raja Shehadeh, *The Law of the Land*, Jerusalem: PASSIA, 1993, p. 35.

Water Rights in the West Bank

North of Tekoa and just east of Bethlehem and the end of Wadi Nar is the village of **Obdeyia**.

Between 1994 and 1996, Obdeyia village went without water, because the Israeli water authority, Mekorot, was pumping only enough water to reach the settlements of Kedar and Ma'aleh Adumim. In order to survive, the residents of Obdeyia were forced to buy water on the black market, at a price of roughly 20 NIS (\$6) per cubic meter, while residents of the settlement pay 3.5 NIS (\$1) per cubic meter. In 1994, the residents of Obdeyia petitioned the High Court to compel Mekorot to supply them with water. Mekorot promised to deliver the water if they would withdraw the petition and then failed to make good on its promise for more than a year. When the residents again filed a petition, Mekorot made them the same offer. It was not until the beginning of 1997 that the village was finally supplied by Mekorot.³⁷

The story of Obdeyia is not uncommon. In light of the massive number of settlements surrounding Bethlehem, water has become a major issue for the Palestinian residents, as there is simply not enough water provided by the Israeli authority to meet the needs of the population. The shortage is due to Military Order 291(1968), which declared all water resources state property. In 1982, control of all water resources in the West Bank was transferred to Mekorot. The main source of water for the West Bank comes from an underground aquifer with a total capacity of 600,000-800,000 cubic meters. Currently, Palestinians only have access to 110 million cubic meters (19 percent). West Bank settlers receive 30 cubic meters and the remaining 460 million cubic meters (81 percent) are diverted to Israel. At least one third of Israel's water originates in the West Bank.

Since 1967, when Israel took control of the Palestinian water supply, the quota allotted for household use, drinking water, and personal hygiene has only been increased by 20 percent despite a population increase of more than 50 percent.³⁸ Since 1967, Israel has dug 32 wells to serve the settler population of around 150,000. In that same period, it has only allowed the Palestinians to drill 23 wells, to provide water for a population of nearly two million. Daily water usage quotas allow 300 liters per capita per day for Israelis, while Palestinians are allowed only

³⁷ Allegra Pacheco, "Waterless Palestinian Village's Plight Illustrates Weakness of Oslo II Pact," *The Washington Report on Middle East Affairs*, January 1996, p. 29

³⁸ *Report on Israeli Settlements*, Foundation for Middle East Peace, July-August, 1998.

80 liters per capita per day³⁹ It is important to consider for comparison that in an average American city, the average person consumes 115 gallons of water per day out - in Israeli settlements, the average is 130 gallons per day. The minimum water consumption for a healthy individual is 70 gallons per day. Palestinians in the West Bank consume only 35 gallons per day.⁴⁰ In the Oslo II Agreement, Israel has only agreed to allow the Palestinians to increase their water usage by 28.6 million cubic meters, even though studies have shown that the needs of the Palestinian population exceed 450 million cubic meters.⁴¹

The quota for Palestinian agricultural use was set in 1976 and was only changed in 1986 when it was reduced by ten percent. These restrictive water policies have meant that Palestinian agriculture has stagnated. For example, in 1967, 2,300 square kilometers of land in the OPT were under cultivation. In 1989, only 1,945 square kilometers remained in use. In 1966, 43 percent of the Palestinian population was employed in agriculture; by 1993, that figure had been reduced to 22 percent. Most importantly, while agriculture used to contribute 24 percent of the Palestinian GDP in 1966, it dropped to less than 15 percent in 1996. Furthermore, according to a Peace Now report settlers in the West Bank are permitted to irrigate an area 13 percent larger, per capita, than West Bank Palestinians.⁴² There is little hope that the current Oslo process will do much to alleviate the steady decline of Palestinian agriculture.



- **Efrat**

Efrat and Betar are the only two 'towns' in the **Gush Etzion Bloc**, as their population is considered large enough to have their own municipal council and planning body. The largest settlement is Betar, located off Road 375, west of Efrat. Betar is an Ultra-Orthodox community of close to 9,000 residents with some 1,200 apartment units.⁴³ The second largest settlement is the town of Efrat, located 12 kilometers south of Jerusalem on the new Gilo-Hebron bypass road, which connects the settlements of

³⁹ *Ha'aretz*, 11 September 1998.

⁴⁰ Interview with Lynn Chance, USAID Engineer for West Bank.

⁴¹ *PASSIA Diary 1997*. Jerusalem: PASSIA, 1997, p. 208-9.

⁴² *Report on Israeli Settlements*, "Special Report," July 1998.

⁴³ *Peace Now's Settlement Watch*, Peace Now website, www.peace-now.org.

the Hebron area and Gush Etzion with Israel proper. Efrat was founded in 1982 upon the initiative of Moshe Moskowitz, a multi-millionaire proponent of Jewish settlement in the OPT who is connected with Rabbi Shlomo Riskin. The settlement currently has some 1,100 housing units and a population of 5,000.⁴⁴ According to a real estate agent affiliated with **YESHA**, Efrat is becoming an exclusive community for religious Jews, primarily of American background and usually very wealthy. Homes in Efrat generally sell for \$250,000. Although smaller than **Ma'aleh Adumim**, it offers the same suburban conveniences, shopping centers, schools and synagogues with a 20-minute commute to Jerusalem.⁴⁵ The Israeli Government has already announced a proposed 60 percent expansion for Efrat, to be carried out on land belonging to **Artas** village near Bethlehem.⁴⁶

When Benyamin Netanyahu announced the construction of 300 new homes on Efrat's **Givat HaZayit** in September 1997, he declared that the entire Etzion Bloc was an inseparable part of Israel. The Givat HaZayit expansion includes the construction of 267 housing units and several public buildings. This new settlement is being constructed on private property belonging to Palestinians from **Artas** and **Al-Khader**, who have proof of ownership dating back to the time of the British mandate. In 1981, Israel declared the hill '**State Land**'. Supreme Court petitions attempting to block the confiscation were rejected in 1991 and 1996. Construction was again allowed to proceed here as part of a compromise with Meretz to prevent the building on **Batn Al-Ma'asi**. **Givat HaZayit** is only one of three sites that are included in the Efrat expansion plan. The plans also include the expropriation of an additional 450 acres of land belonging to Artas and Al-Khader for the construction of 1,026 housing units. The second site will be named **Givat Yitmar** (397 housing units) and the third site **Givat HaDajan** (392 units).⁴⁷

⁴⁴ Housing Figures, ARIJ; Population Figures YESHA Council.

⁴⁵ Meeting with Ruby Wolbromsky, Efrat, June 1998.

⁴⁶ *Report on Israeli Settlements*, July-August 1998.

⁴⁷ *Eye on Palestine*, ARIJ website at www.arij.org.

Al-Khader - Non-Violent Resistance to Land Confiscation

Al-Khader is a small Palestinian village to the southwest of Bethlehem that suffered severely from land confiscation. Al-Khader is now boxed in between a bypass road and the settlements of Elázar, Neve Daniel and Efrat. In late 1994, the Israeli military informed six families from Al-Khader that a 125-acre tract of farmland belonging to them had been declared 'State Land'. The hill, known as Batn Al-Ma'asi, was seized in order to allow for the expansion of Efrat. The confiscation of an additional 500 dunums proved to be more than the villagers could take.

When construction commenced on the site in late December 1995, the villagers responded with a program of active civil disobedience and huge demonstrations. Between 22-30 December 1995, villagers, with the support of Israeli peace groups, set up a protest camp near the construction site and attempted to prevent the bulldozers from reaching the site. The protests were very successful in disrupting the work of the settlers, mobilizing the Israeli left against settlements, and calling attention to the continued issue of land expropriation in the West Bank.⁴⁸ In the end, a compromise was brokered by Meretz MKs, which banned the settlers from building on that particular hill. However, the settlers were granted permission to erect 300 units on neighboring Um Tale hill, which they dubbed Givat HaZayit ('Hill of the Olives').⁴⁹ Despite the apparent victory of the Al-Khader protests, these recently completed units still involved the confiscation of land from Al-Khader and Artas villages.



- **Bypass Roads**

Returning to Jerusalem from the **Gush Etzion** bloc, one will most likely travel along the sleek new Route 60, which was laid down in 1995. As per the Oslo II Agreement, bypass roads have been constructed throughout Jerusalem, the West Bank and the Gaza Strip, to enable Israeli settlers to reach their settlements without having to drive through areas under

⁴⁸ "Struggle for Stolen Land," *News From Within*, January 1995, p. 5.

⁴⁹ "Al-Khader Resists Again," *News From Within*, August 1995, p. 7.

Palestinian control. Construction of these roads has required the confiscation of at least 3,811 acres of Palestinian land. In order to convince the Rabin administration to sign the Oslo II Agreement, US President Bill Clinton agreed that his government would defray the cost of the construction of approximately 400 kilometers of this road network. Initial estimates were as high as \$330 million. However, in 1995 alone, American taxpayers contributed \$600 million to these roads. The new road system, begun under the Labor government, clearly indicates that Greater Jerusalem was to be part of Israel under any final agreement with the Palestinians.

The **Gilo-Har Gilo tunnel/bridge** complex is one of the cornerstones of the bypass road plans. The bridge and two tunnels whisk settlers from Jerusalem south to Gush Etzion. Within 20 minutes they neatly pass by the Palestinian-controlled areas. The bridge and tunnel, both built on land confiscated from **Beit Jala**, cost US taxpayers \$42 million. Bypass roads like these tie the Greater Jerusalem settlements to Jerusalem. The villagers from Beit Jala who lost their land and olive trees were offered \$80 per tree in compensation, which is equal to eight percent of the value of the trees.⁵⁰ The villagers refused compensation on the grounds that it would legalize the theft of their land. Despite Israeli claims that these roads benefit all residents of the West Bank, they are exclusively for Jewish use. Palestinians who attempt to use these roads during closures are sent back by soldiers.⁵¹

- **Har Gilo**

The small Har Gilo settlement lies a mere 300 meters from the Jerusalem municipal boundary and was recently connected to **Gilo** by a bypass road. Established in 1968 on the top of 'Everest' Mountain (the highest point in the Bethlehem area), it was one of the first Gush Etzion settlements. Initially, it was established as a field school, but then became a civilian settlement and is now home to approximately 378 settlers.⁵² The plan is

⁵⁰ *Al-Tall'a*, 17 June 1993.

⁵¹ LAWE press release.

⁵² YESHA website.

to expand this settlement over the remainder of the hilltop to accommodate some 1,250 families. The Israel Nature Authority maintains a training post and a bird-watching facility there.⁵³

Whether a minor outpost such as Har Gilo or a massive city like Ma'aleh Adumim, all these settlements are considered part of Greater Jerusalem and beyond compromise in the eyes of the Israeli Government. These settlements, from **Givat Ze'ev** in the northwest to **Tekoa** in the southeast, if annexed to Israel, will prevent the possibility of a contiguous Palestinian entity in the West Bank.

⁵³ "Har Gilo", Gush Etzion Regional Council website, www.ladpc.gov.il.

TRAVEL TIPS, RESOURCES AND INFORMATION

Chapter 1

Palestinian West Jerusalem - The City Before 1948

It is very easy to walk about these neighborhoods and discover the hidden history of the War of 1948. As you visit neighborhoods in West Jerusalem, whether by bus or on foot, keep an eye out for tell-tale signs of abandoned property such as stone plaques with Arabic script and facades inlaid with ceramic tile. Key neighborhoods to visit are the **German Colony** (Emek Refaim), which can be reached by the #18, #14 and #24 buses; **Talbiyah** (between Jabotinsky and HaPalmach), which can be reached by the #99 and #15 buses; and **Baka'a** (between Hebron and Bethlehem roads), which can be reached by buses #21, #48 and #14. The main road to Bethlehem from Jerusalem also boasts some excellent examples of **abandoned Palestinian properties** from 1948.

To learn more about the Palestinian history of West Jerusalem, the **Institute of Jerusalem Studies** in Sheikh Jarrah is an excellent resource center. In Jerusalem, call 02-5826366 to arrange a visit.

To reach the remains of the village of **Deir Yassin**, one must first travel through the Jewish neighborhood of Givat Sha'ul (Givat Sha'ul Street from Weizman Boulevard, via buses #2 and #29).

The remains of Deir Yassin are almost completely intact within the confines of the **Kfar Shaul Mental Hospital** on the corner of Kanfei Nesharim and Katsenelbogen, specialized in the treatment of Jerusalem Syndrome (a delirium that overtakes religious visitors to the city).

On Fridays and Saturdays, as an individual or a small group, it is sometimes possible to enter the hospital to see the remains of the village. However, on weekdays or with large groups the guards may deny you entrance as the village is a functioning hospital whose residents require privacy. For best results, telephone 02-6551551 and request permission to go inside.

It is possible to hike through the remains of **Lifta** as the Society to Protect the Nature of Israel (SPNI) has marked out and maintained trails through the site. It is inadvisable to hike in the area alone or after dark as the many of the ruined buildings have been inhabited by homeless foreign workers and drug dealers.

Chapter 2

The Old City of Jerusalem - Inside Its Walls

There are a variety of ways to gain a first-hand understanding of the current political realities in the Old City. The **Palestine Human Rights Information Center** (PHRIC, Tel: 02-6288974/6/7), has rich resources on Jerusalem and sometimes offers study tours. **Ir Shalem** (Tel: 02-5661439) is an Israeli activist group related to Peace Now which focuses on Jerusalem and often handles litigation against settler takeovers in the Old City. They offer maps and resources on the current situation. For the settlers' perspective on the Old City, **Ateret Cohanim** offers guided tours of their settlements every Tuesday at 9:00 a.m. It is best to make arrangements by calling their public affairs coordinator at 02-6284101 or through their website at <http://ateret.learnskills.com>. For **Silwan** specifically, it is best to contact Ir David (Tel. 02-6262341; ask for Yigal) for the settler perspective and The Palestinian Society for the Protection of Human Rights and the Environment (LAW) (Tel. 02-5812364), to learn about the legal battles facing Palestinians from Silwan whose homes have been taken over by settlers.

It is also possible to explore the city on one's own. With a well-documented map, such as the one from Ir Shalem, patience and perseverance, one can easily locate the sites mentioned in this chapter. The Palestinians are usually friendly and eager to tell their story to visitors.

However a few words of Arabic may be necessary to establish your legitimacy. The settlers are a bit more reserved and tend to be suspicious of visitors lurking about the properties they are occupying. However, conversations are possible and a visit to the Ateret Cohanim headquarters on **Bab Al-Wad Street** is well worth the trip. An excellent way to get an overview of Israeli settlement activity and the Old City is a tour of the **Ramparts Walk**. The walk is accessible from Damascus Gate and Jaffa Gate, with exit points at St. Stephen's Gate and New Gate. It is open daily until 4 p.m. and admission is roughly one dollar.

The Museum of the History of Jerusalem, located at the **Citadel of David** just inside Jaffa Gate, is an excellent portrayal of the Israeli interpretation of the city's history. This museum is open Sundays through Thursdays, 10-5 and Fridays, Saturdays and Jewish Holidays from 10 a.m.-4 p.m. Admission is approximately \$5.

An exhibition of John Phillip's photographs and a short video commemorating the expulsion of the residents of the Jewish Quarter in 1948 is found at the **One Last Day Museum**. The Museum, located inside the **Cardo** in the **Jewish Quarter** of the Old City, is open Sunday to Thursday, 9 a.m.-5 p.m. and Fridays, 9 a.m.-1 p.m.. To view a rare, but extensive, collection of black and white photographs of Jerusalem and the rest of the Holy Land prior to 1948, pay a visit to **Photo Elia** on St. Francis (Al-Khanqah St. #14) Street in the **Christian Quarter**. These rare images of a lost history were taken by Kevork Kahvedjian's father from the 1920s through the 1950s.

Chapter 3

Israeli Settlements in Jerusalem Since 1967

The **Mennonite Central Committee** (Tel. 02-5828834) and the **Ecumenical Travel Office of the Middle East Council of Churches** (Tel. 02-6284493) offer organized settlement tours for groups, and sometimes, for individual scholars. These tours must be booked in advance and a donation is expected. To view Israel's alterations to the Jerusalem map on your own, the best method is to take a car and a well-marked road map and drive around the city's perimeter. The new ring road, **Route 45**, should be completed by the

Fall of 1998 and will be the best route to take. Also, taking a bus to any of the settlements and walking around is another practical option. Settlements like **Pisgat Ze'ev** and **Gilo** are currently undergoing the greatest expansions; however, the situation is always changing. To hear the Palestinian perspective on new settlements such as **Har Homa**, the **Alternative Tourism Group** in Beit Sahour can arrange presentations on the impact of settlements in the Bethlehem area and visits to landowners (Tel. 02-2772151/211).

To get the most up-to-date information on settlement construction, contact the **Applied Research Institute - Jerusalem**, (Tel. 02-2741889) or review their website *Eye on Palestine* (www.arij.org). For research and information on municipal planning in Jerusalem, pay a visit to the **Jerusalem Institute for Israel Studies** (Tel. 02-5639814) where the annual *Jerusalem Statistical Yearbook* is published.

French Hill is accessible by buses #4, #28 & #46. (Note: this is an excellent settlement to stop and chat with people about the peace process).

Ramot is accessible by buses #16 & #35; **Ramot Polin** by buses number #34 & #36.

Atarot can be seen on the way to Ramallah via service or private car. There are no regular bus routes that reach there.

East Talpiot can be reached by bus #8.

Gilo is accessible by buses #31,32 & #33. It is also worthwhile to view this settlement from **Mt. Everest** or the **Cremisan Monastery** in **Beit Jala** to fully appreciate of the scope of its expansion.

Neve Ya'acov can be visited by taking bus #25, #45 or #46.

Pisgat Ze'ev and **Pisgat Omer** can be reached on buses #22, #46, & #48.

As for **Rekhes Shu'fat**, it is highly recommended to climb up to the roof of **Nabi Samwil**, just north of Ramot on the way to Givat Ze'ev, to view how the placement and expansion of this settlement fits the aspirations to encircle Jerusalem.

Mohana Arab - Mitzpeh Bethlehem: Mr. Arab is always happy to receive visitors; however, a visit will require Arabic translation. If you are coming with a group, it is best to call (Tel: 02-6760067) to make sure Mr. Arab will be available.

Chapter 4

Palestinian Neighborhoods in East Jerusalem

One may begin to formulate a better idea about the situation in Jerusalem by trying to visit one of the Palestinian neighborhoods by using public transportation from the city's west. For example, according to the map issued by the West Jerusalem Municipality, there are 15 bus stops for French Hill, yet none for neighboring **Issawiya**. If you want to take the bus to **Jabal Mukabber** you can take the #8 to **East Talpiot** and then walk into the village. **Shu'fat** and **Beit Hanina**, with a population in excess of 30,000, have four bus stops along the main **Beit Hanina** road to Ramallah. Yet, neighboring **Pisgat Ze'ev**, also with a population of around 30,000, lists 22 stops on the municipal map. Furthermore, Israeli cab drivers often shrug or refuse to travel into a Palestinian neighborhood, recalling the stoning they experienced during the *Intifada* to justify their reluctance to travel to that part of town. Your best bet is to take one of the many services or shared taxis that line the street in front of **Damascus Gate**. You will hear the drivers shouting out their destinations. They are always eager for another fare. You can also arrange for private taxis there, which are driven by Palestinians who will not balk at going into East Jerusalem neighborhoods. They may have some trouble when it comes to finding the Smadar Theater on the west side, however.

To get an uncensored account of the challenges facing Palestinian Jerusalemites, take a walk up East Jerusalem's **Salah Eddin Street** and strike up a conversation with some of the shop-owners, or the vendors at the falafel stands. Ask them about the situation in Jerusalem, ask them about their taxes, ask them about their residency cards. If you have time for a cup of tea or coffee you can learn a tremendous amount. It is also worthwhile to make a visit to the *Sumud* ('steadfast' in Arabic) **Camp**, which is situated in an abandoned building next to the American Colony Hotel on **Nablus Road**. There you can meet

with some of the 50 families who are on the verge of being driven out of the city by the lack of suitable housing. The families have taken up residence there in defiance of Israel's revocation of their Jerusalem ID cards. Contact **The Palestinian Society for the Protection of Human Rights and the Environment (LAW)**, Tel. 02-5812364) or **Badil** (Tel. 02-2747346) for more information on the camp.

For more information on **Palestinian rights** in Jerusalem contact any one of the following organizations: **Palestine Human Rights Information Center** (Tel. 02-6288974/6/7), **Jerusalem Center for Women** (Tel. 02-2447068/653), or the **Israeli Committee Against Housing Demolitions** (Tel. 02-6248252 or e-mail halper@iol.co.il).

Chapter 5

Greater Jerusalem

Given the scope of the areas of land involved, it would take a car and serious determination to visit all the settlements and villages that comprise Greater Jerusalem in one day. Some local NGOs and advocacy groups offer tours to parts of Greater Jerusalem, often in conjunction with major conferences and workshops in the area. A highly recommended contact point is the **Alternative Information Center** (Tel. 02-6241159), which has staff who can be contracted to provide a guided 'settlement tour' of Greater Jerusalem, including explanations of settlement construction, expansion and the impact of bypass roads on the Palestinian Territories. The **Ecumenical Travel Services** of the **Middle East Council of Churches** (Tel. 02-6284493) can also arrange for visits to some of the Greater Jerusalem settlements if you are coming with an organized group. In Bethlehem, **The Alternative Travel Group** (Tel. 02-2772151/211) has contacts with settler representatives in **Efrat** and **Tekoa**. They can arrange a study tour of Bethlehem and the surrounding settlements for groups or interested individuals. It is also possible to incorporate a visit to a refugee camp as part of 'Greater Bethlehem' day trip.

To get the settlers' perspective on Greater Jerusalem, it is possible to organize a tour through the **YESHA Council** (Tel. 02-5810624 - ask for the YESHA Tourism Authority). They will offer you suggestions for visiting YESHA communities and may give you contact informa-

tion for settler representatives who will be willing to meet with groups. It is also worthwhile to pay a visit to **Kibbutz Kfar Etzion** where you can tour the **museum** and take in the 30-minute audio-visual show on the history of the **Etzion Bloc** of settlements. To arrange a meeting there, contact Sandy at 02-2935160. Also in Gush Etzion is the **Judaica Center** (Tel. 02-2934040 – ask for Miriam to arrange a visit).

To visit some of the city settlements such as **Ma'aleh Adumim** or **Givat Ze'ev**, it is easiest, and perhaps most informative just to go. Once there, take the opportunity to wander about the settlement, visit the shopping malls and restaurants. Try to strike up a conversation with the people who live there, most of whom are very friendly and won't mind taking a couple minutes to meet with a stranger. Ask them about where they live, how long they have lived there and for what reason, if any, they would decide to leave. The answers may be very surprising! To reach Ma'aleh Adumim (Tel. 02-5355555) by car, take **Road 1** north past **French Hill** and follow the signs for the settlement or Jericho. To reach there by public transport, take Egged bus #173, #174, #175 or #176. For Givat Ze'ev, take **Route 436** (Golda Meir Boulevard) northwest past **Ramot** and **Nabi Samwil**, or use Egged bus #171.

Appendices

A. STATISTICS

MUNICIPAL JERUSALEM POPULATION (1996):

Total:	602,100	Percentage:	100%
Jewish:	421,200		70%
'non-Jewish':	180,900		30%

JERUSALEM AREA SETTLEMENTS: VITAL STATISTICS

Date Est.	Settlement	Village Land Expropriated	Area (dunums)	Population	Units	Planned Units
PHASE I						
1968	French Hill	Shu'fat, Issawiya	3,345	14,600	4,326	468
1968	Ramat Eshkol	Lifta	675	4,600	1,133	----
1970	Atarot	Beit Hanina, Ar-Ram		1,158	Industrial Zone	
1971	Gilo	Malha, Beit Jala, Shu'fat	2,700	30,200	7,773	670
1972	Neve Ya'acov	Beit Hanina, Hizma	1,016	19,300	4,687	120
1973	Ramot	Shu'fat, Lifta	2,961	39,700	8,059	561
1973	East Talpiot	Sur Baher	2,240	14,800	4,281	670
PHASE II						
1985	Pisgat Ze'ev	Hizma, Beit Hanina	4,400	25,800	7,817	4,327
PHASE III						
1991	Har Homa	Um Tuba, Sur Baher, Beit Sahour	1,850	-----	-----	6,500
1991	Givat HaMatos	Beit Safafa, Beit Jala	137	5,000	caravans	3,000
1991	Givat Arba (Settlement X)	Bethlehem, Beit Sahour	unverified	-----	-----	2,000
1994	Reches Shu'fat	Shu'fat, Lifta	2,000	8,000	2,165	----
Total			22,482	162,000	40,241	18,316

Sources: *Statistical Yearbook, Jerusalem, 1997; Israeli Settlements Inside Jerusalem*, Palestinian Geographic Center, 1994.

B. ISRAELI METHODS OF EXPROPRIATING LAND AND CONTROLLING PALESTINIAN DEVELOPMENT

MILITARY ORDER 70 (1967)

Disallows landowners from entering their land by declaring it a 'closed military area'. Justification: security.

MILITARY ORDER 150 or ABSENTEE PROPERTY LAW (1967)

Land belonging to Palestinians who were not physically present when Israel conducted a census after the War of 1967 is declared 'State Land'. 'State Land' is almost always liable for expropriation for Israeli settlement construction.

MILITARY ORDER 271 (1968)

This order refers to land areas that the Israeli authorities consider potential sites of future battles or necessary for military maneuvers. One fourth of the land area of the West Bank is thus classified.

MILITARY ORDER 291 (1968)

Terminated the process of modern land registration that had existed in the West Bank prior to the War of 1967. After 1948, the Jordanians began a process of officially registering all private lands under a title and deed system to replace the old Ottoman system. Only one third of Palestinian land had been officially registered under the Jordanian system by the outbreak of the war. This order exacerbated Palestinian attempts to prove land ownership in Israeli courts.

MILITARY ORDER 321 (1968)

Grants the Israeli civil administration the right to confiscate any land for 'public use'. This order has been used extensively with the setting up of roads.

MILITARY ORDER 1091 (1980)

This order compounds Military Order 291 by declaring all unregistered land as 'State Land'. This means that Palestinian landowners who had not registered their land with the Jordanians prior to 1967 no longer have any means of proving ownership of their lands to the Israeli authorities. This

order has allowed the confiscation of more than 800 square kilometers of Palestinian land, most of which was continuously cultivated. The Efrat settlement, for example, boasts that it was only built on 'State Land'.

ORDER 360 (1992)

'Freeze' on settlement construction, issued by the Rabin government after the Oslo Accords. In reality, the ban only applied to new settlements and made provisions for the 'natural expansion' of existing settlements. A 40 percent increase in the number of settlement units occurred with this ban in place.

FALLOW FARM LAND

If a landowner is unable to prove that his land has been continuously cultivated, the Israelis can declare the land 'State Land' by virtue of Ottoman codes, which deem no land is without a sovereign. If the land is fallow, then the land automatically reverts to the Crown or State.

'GREEN AREAS'

Some 47 percent of the available land in East Jerusalem is zoned as *shetah nof patuch* (Hebrew for 'unrestricted view') or 'green area'. Building is forbidden on these areas and valuable land can be used only for agriculture. Any structures built on 'green areas' are likely to be demolished. 'Green areas' in West Jerusalem are most often public parks. In East Jerusalem, however, 'green areas' are used to keep Palestinians from building until the area is re-zoned for the development of a Jewish settlement. Rechesh Shu'fat and Har Homa are the most recent examples of 'green areas' being re-zoned for massive development.

LICENSES AND PERMITS

New Palestinian housing construction is actively discouraged by means of licensing procedures, which apply only to Palestinian landowners. In order to receive the required building permit, a Palestinian landowner must provide proof of ownership, proof of payment of all municipal taxes, proof of Jerusalem residency status and prepayment of water, road and sewage levies. Even when all preconditions are met, permits are rarely granted. In 1994, the Jerusalem Municipality granted 1,533 permits to Israeli builders while only 162 were issued to Palestinian East Jerusalemites.

C. SETTLEMENTS AND INTERNATIONAL LAW

Israeli settlement activity, including Jerusalem, is a direct violation of internationally recognized conventions. The Hague Convention of 1907, the Fourth Geneva Convention of 1949, to which Israel is a signatory, and the numerous UN Security Council resolutions clearly outline the conduct for occupying powers and the illegality of settlements.

The Hague Convention of 1907 - Articles Relating to Private Property

Article 46: Private Property cannot be confiscated.

Article 55: The occupying state shall be regarded solely as administrator of real estate in the occupied territory.

Article 56: The property of the municipalities, even State property, shall be regarded as private property.

Fourth Geneva Convention of 1949

Article 49: The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.

UN Security Council Resolutions

Resolution 252 (21 May 1968): Calls on Israel to rescind all measures that change the status of Jerusalem.

Resolution 271 (15 Sept. 1969): Calls on Israel to observe the Fourth Geneva Convention in regards to International Law governing military occupation.

Resolution 446 (22 March 1979): Determines the illegality of the Israeli policy of establishing settlements in Arab territories occupied since 1967.

Resolution 465 (1 March 1980): Calls on Israel to dismantle the existing settlements and cease establishing, planning and constructing new settlements.

Resolution 478 (20 August 1980): Declares Israel's Basic Law annexing East Jerusalem 'null and void' and calls on Israel to respect the Fourth Geneva Convention.

D. RESOURCES FOR FURTHER INFORMATION

THE ALTERNATIVE INFORMATION CENTER

Publishes the *News from Within* monthly magazine and studies on attacks on Palestinian residency rights in Jerusalem.

Tel: 972-2-6241159

Fax: 972-2-6253151

E-mail: aicmail@alt-info.org

Website: <http://www.aic.netgate.org>

APPLIED RESEARCH INSTITUTE JERUSALEM (ARIJ)

Research on environment, land, water and Israeli settlement construction.

Tel: 972-2-2741889

Fax: 972-2-2776966

E-mail: postmaster@arij.pl.org

Website: <http://www.arij.org> (Eye on Palestine)

BADIL - RESOURCE CENTER FOR PALESTINIAN RESIDENCY AND REFUGEE RIGHTS

Research and publication on Jerusalem pre-1948 until today.

Tel: 972-2-2747346/77086

Fax: 972-2-2747346

E-mail: badil@palnet.com

Website: <http://www.badil.org>

JERUSALEM LEGAL AID AND HUMAN RIGHTS CENTER

Research and legal support/advocacy on land issues and Palestinian rights related to Jerusalem.

Tel: 972-2-6272982 / 2987981

Fax: 972-2-6264770 / 2987982

E-mail: jlac@palnet.com

THE PALESTINIAN ACADEMIC SOCIETY FOR THE STUDY OF INTERNATIONAL AFFAIRS (PASSIA)

Research, meetings, documentation and publication on all kinds of aspects related to the Question of Jerusalem.

Tel: 972-2-6264426

Fax: 972-2-6282819

E-mail: passia@palnet.com

Website: <http://www.passia.org>

THE PALESTINIAN SOCIETY FOR THE PROTECTION OF THE HUMAN RIGHTS AND THE ENVIRONMENT (LAW)

Research and legal advice on land confiscation and housing demolitions; regular press releases on urgent issues via e-mail.

Tel: 972-2-5812364

Fax: 972-2-5811072

E-mail lawc@netvision.net.il

Website: <http://www.lawsociety.org>

JERUSALEM MEDIA AND COMMUNICATION CENTER (JMCC)

Publishes the *Palestine Report*, a weekly report on current affairs in Palestine, and occasional papers on human rights and settlements.

Tel: 972-2-5819776/7

Fax: 972-2-5829534

E-mail: jmcc@baraka.org

Website: <http://www.jmcc.org>

B'TSELEM - THE ISRAEL INFORMATION CENTER FOR HUMAN RIGHTS IN THE OCCUPIED TERRITORIES

Numerous publications on various subjects pertaining to human rights; see especially *A Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem*.

43 Emek Refaim St., Jerusalem 93141

Tel: 972-2-5617271

Fax: 972-2-5610756

E-mail: mail@btselem.org

Website: <http://www.btselem.org>

FOUNDATION FOR MIDDLE EAST PEACE

Report on Israeli Settlement in the Occupied Territories - a free bi-monthly publication; available online, or via mail and e-mail.

1763 N Street, NW

Washington, DC 20036

Tel: 202-835-3650

Fax: 202-835-3651

E-mail jeff@clark.net

Website: <http://www.fmep.org>

E. CONTACT ADDRESSES FOR ADVOCACY

The following addresses and telephone numbers are key places to direct your concerns and comments regarding Israel's settlement policy in Jerusalem and the remainder of the Occupied Territories.

ISRAELI GOVERNMENT CONTACTS:

The Office of the Prime Minister
Benyamin Netanyahu
972-2-5664838
feedback@pmo.gov.il

The Israeli Government Press Office
gpo@pmo.gov.il,

The Israeli Ministry of Foreign Affairs
ask@israel-info.gov.il.

The Office of the Defense Minister
Yitzhak Mordechai
972-3-6916940

The Office of the Mayor
(Ehud Olmert)
Jerusalem Municipality
Kikar Saffra #1, Jerusalem
972-2-6297997

Department of Building and Planning for the Israeli Military Authorities
of the West Bank
972-2-2977307

The Embassy of Israel or Israeli Consulate in your area
(In the United States)
3514 International Drive
Washington, DC 20008

AMERICAN GOVERNMENT CONTACTS:

The President/The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500
White House Comment Line 202-4561111

The Department of State
2201 Street, NW
Washington, DC 20515
Public Affairs 202-6476575

Address for all Senators:
The Honorable _____
United States Senate
Washington, DC 20510

Address for all Representatives
The Honorable _____
United States House of Representatives
Washington, DC 20515

ADDITIONAL CONTACTS:

Board of Trustees - Hebrew University
Mt. Scopus,
Jerusalem 91905