

# **New neighborhood planned in East Jerusalem / Settlers acquire buildings in the Old City / Jerusalem 2000 master plan frozen / Dangerous developments in and around the Old City – Update**

October 2009

## **1. Background**

During the last few weeks in Jerusalem, another round of violence in the Temple Mount/al-Haram al-sharif area has spilled over into more neighborhoods in the eastern part of the city.

The Joint Headquarters of the Temple Mount Organizations issued an invitation to a gathering, including the participation of rabbis and others from the extreme right, calling for a mass Jewish ascent to the Temple Mount. In response, Islamic organizations called on their supporters to come to al-Haram al-sharif to defend Al Aqsa from impending danger. During violent disturbances at the site, demonstrators and police alike were injured. Similar incidents took place several times during the past month, starting with a group visit to the Temple Mount/al-Haram al-sharif on the eve of Yom Kippur in late September that resulted in severe rioting. Some four hundred Palestinian worshippers even barricaded themselves inside the Al Aqsa Mosque for about two weeks, and ultimately emerged thanks only to mediation by Jordan. Confrontations between Palestinian demonstrators and police ended with injuries on both sides. During this period, the struggle in Jerusalem between various political interests intensified, with each group attempting in its own way to harness the disturbances in the city to advance some political agenda or other.

The rapid eruption of havoc on these occasions constituted another reminder of the mounting potential for violence that is part and parcel of reality in Jerusalem. Based on its analysis of the ongoing developments, Ir Amim has cautioned in a series of reports and position papers over recent months, against the increasing danger of violent outbreaks in the city. Among the dangerous trends cited by Ir Amim, worryingly evident in the latest round of violence, is again the intensifying of the religious dimension of the conflict over Jerusalem. The escalation of this trend may place Israel in an acute confrontation not only with the Palestinian residents of East Jerusalem, but also with the entire Muslim world, as suggested by images of recent anti-Israel rioting in Turkey.

The latest Ir Amim special report (August 2009) dealt with [Jewish settlements in Palestinian neighborhoods of East Jerusalem](#). The report identified three urgent threats to a negotiated agreement for Jerusalem under a two-state framework:

1. Intensified Israeli settlement in the heart of Palestinian communities in East Jerusalem.
2. Plans for development of the E-1 area, precluding any future development of Palestinian Jerusalem to the east, and severing its connection with the West Bank.
3. City planning in Jerusalem, including the construction of new Israeli neighborhoods on the last remaining land reserved for building in East Jerusalem, and the new Jerusalem 2000 master plan designed to reinforce Israel's hold on East Jerusalem, from both a demographic and a territorial standpoint.

While the August report provided a comprehensive picture of the Israeli settlements strategically located within Palestinian East Jerusalem neighborhoods, this update is meant to sound a warning concerning several other recent developments in East Jerusalem, with information relating to:

- An initiative to build a new Israeli neighborhood next to the Palestinian village of Walaja, partly on the village's own lands, creating territorial contiguity between Jerusalem and Gush Etzion (in line with the aspiration for a "Greater Jerusalem");
- The acquisition of properties by an extreme right-wing organization in the Muslim quarter of the Old City;
- Worrisome and unusual intervention by the current Environment Minister in the procedures for approval of the Jerusalem 2000 master plan;
- An update on the latest developments in the Old City Basin.

## **2. The Givat Yael Plan**

In the coming weeks, the Interior Ministry's District Planning Office is slated to consider the approval of a plan to build a new Israeli neighborhood called Givat Yael in the southeast quadrant of Jerusalem.

This will launch a process of approval for a private initiative by the Givat Yael Company for construction of 14,000 residential units to house more than 40,000 people. The plan, which dates back about six years, has not yet been moved ahead. In the city's new master plan (which has still to be submitted for public review; see Item 4 herein), the area marked for the construction of this new neighborhood is zoned as a green reserve. Stretching from east of Malha neighborhood toward the village of Walaja, the area in question extends in some places beyond the municipal boundaries of Jerusalem, into the territory of the West Bank.

If executed, this plan would have grave implications for several reasons:

- The plan would close off Walaja from three directions (the Har Gilo settlement hems it in on the fourth side) and isolate the village from the West Bank,, chopping away the future land reserves of Walaja.
- The area slated for the new neighborhood is marked on the Jerusalem 2000 master plan as green space. This designation was cited as a basis for rejecting a plan offered by Walaja residents who sought to expand the village's built-up area via retroactive approval of houses built without permits. Designating this land now for residential use in the master plan, solely to enable approval of the Givat Yael initiative, would signal once again that political considerations trump substantive and professional considerations in the decision-making of these planning authorities, with no regard for the wellbeing of local residents.
- The new neighborhood, if erected, will create Israeli territorial contiguity from southeast Jerusalem to Gush Etzion. Moreover, the fact that the project crosses the boundaries of municipal Jerusalem into the territory of the West Bank is evidence of a dangerous trend toward blurring the existing boundaries of the city in favor of the imaginary Greater Jerusalem – as manifest in the planned route of the Separation Barrier in the vicinity of Southwest Jerusalem. That route adds another 70 square kilometers of the Gush Etzion area to metropolitan Jerusalem, in addition to the land already annexed in East Jerusalem.

This step constitutes another problematic signal by Israel of its intentions to determine the future map of the region by creating facts on the ground - rather than at the negotiating table, in accordance with existing commitments.

Also noteworthy is that, during July of this year, two new Town Planning Schemes were launched for areas east of Gilo (TPS #13676 and #13677) along Route 60, the Tunnel Road. The new plans were submitted by the Israel Lands Authority. Upon approval (which most likely will be forthcoming), another 300 new housing units will be built in that area.

### **3. Acquisitions by Ateret Cohanim in the Muslim and Christian quarters, and plans for their further expansion**

The Ateret Cohanim organization has recently published a document addressed to its donors, in which it lists a series of properties that the organization intends to acquire in the Old City (specifically in the Muslim quarter, which they call the “Renewed Jewish Quarter”) and in other areas of East Jerusalem.

These properties include Beit Sha’ar Haprachim (‘The Herod’s Gate House’) next to the Old City wall; Beit Boteach (‘Boteach house’) near Lion’s Gate; Beit Habidur in the Christian Quarter, Beit Hakorban and Beit Hashaar Hahadash (‘New Gate House’) near the New Gate, and Beit Hanness near Herod’s Gate, adding another 21 Jewish families to the Muslim and Christian quarters of the Old City. Acquisition of these properties will enable further expansion of the Jewish settlement in these quarters of the Old City which today comprises about a thousand people.

The document lists more future objectives of the organization, including a plan to build 300 residential units in the settlement of Kidmat Zion in Abu Dis, and 500 units at a later stage; today this settlement comprises two buildings, and the plans for its expansion have been held up at the district planning level for the last six years or so. The document also lists the expansion of settlements in the Yemenite neighborhood in Silwan, where Ateret Cohanim already has two buildings: Beit Yehonatan (a seven-story structure, against which an order to seal and evacuate has been pending for years), and Beit Hadvash. The organization’s plans for that neighborhood, as stated in the document, are “the reconstruction of the ancient synagogue, construction of a community center and a museum, and the return of hundreds of square meters of Jewish property.” On land acquired, says the document, from the Public Trustee, Ateret Cohanim intends to build a heritage center, a synagogue, a mikveh (ritual bath), classrooms and two residential units. The document also presents a plan to construct a Jewish neighborhood named for the Ramban (Nahmanides, a revered 13<sup>th</sup>-century Jewish sage) in the area of the Shepherd Hotel in Sheikh Jarrah, which will connect the settlement of Shimon HaTzadik, Mt. Scopus and the Hebrew University to the city center.

Note that photographs of all the properties slated for acquisition appear in the aforementioned document. This suggests that they may actually already have been acquired, because when the intended acquisition of such properties becomes known beforehand, the transaction is sometimes aborted due to pressures exerted on the potential sellers.

Unlike plans for construction, which must undergo administrative review by several different authorities prior to implementation, the purchase of properties by right-wing organizations enables the immediate entry of settlers into the buildings acquired, producing a rapid expansion of existing Israeli settlements.

Notwithstanding the impression fostered by the authorities, it should be noted that what we are addressing here is not the simple right of a property owner to make use of his property, but rather a political issue of the first order. The selection of properties and their purchase by right-wing organizations has not been random: The purchases are carefully made in the most controversial neighborhoods in Jerusalem, in which an expansion of the Israeli presence is an act of sabotage against the city’s political future. Alongside the political risks posed, this process of accelerated Judaization and Israelization in East Jerusalem intensifies the points of friction between two hostile populations, amplify the preexisting sensitivity in this highly charged area, with a destabilizing effect on the city and beyond. All this is part of an effort to change the existing discourse about the division of space in East Jerusalem and promote a new public and media discourse, in the framework of which the Muslim Quarter becomes “the renewed Jewish Quarter,” the Old City and the Holy Basin become “ancient Jerusalem” and the presence of scattered settler families in Palestinian neighborhoods transforms these areas into “mixed” neighborhoods; meanwhile, these same players are exerting enormous efforts to prevent the entry of Palestinian residents into housing in Jewish neighborhoods.

Against this backdrop, there is cause for concern by the encouraging attitude shown by most of the local and district planning authorities toward plans for construction in and/or expansion of such settlements in East Jerusalem.

#### **4. Intervention by the Minister of Environment in the Jerusalem 2000 master plan**

On July 19, 2009, Minister of Environment Gilad Erdan sent a letter to Interior Minister Eli Yishai stating his reservations concerning the Jerusalem 2000 master plan.

Again, the decision to submit the plan for public review was reached more than a year ago, in October 2008. When he took office as the new mayor of Jerusalem, however, Nir Barkat requested its postponement so that he could first examine the plan and comment on it. When Barkat completed his comments, the plan was supposed to be made available for public, but for the five months prior to this writing, evidently pursuant to a decision by the Interior Minister who believes that the plan is too generous with respect to Palestinian construction in East Jerusalem, the submission for public review has not been made and the plan is, in practice, frozen for the present.

In his letter to Interior Minister Yishai, Minister of Environment Erdan complains of “serious faults” in the plan, which he wants “remedied” before proceeding. Erdan’s main reservation relates to the area between A-Tur and Isawiya, in northeast Jerusalem. According to the master plan, this area is intended for expansion of the A-Tur and Isawiya neighborhoods, near the new Mt. Scopus slopes National Park (the borders of which are in an advanced stage of planning). Erdan wants to locate the borders of the national park in such a way as to preclude the expansion of the two Palestinian neighborhoods.

[According to what has been reported \[in Haaretz, October 12, 2009: Hebrew only\]](#), Erdan’s decision was made following pressure by extreme right-wing elements, notably Ateret Cohanim chairman Mati Dan. If so, this would suggest a dangerous escalation of the trend of making planning processes and the public good subordinate to extremist political agendas, in opposition to the position taken at the professional echelon both in Erdan’s own office and in the district planning commission, which approved the aforesaid expansion plans. The planned expansion of A-Tur and Isawiya should offset, however partially, the severe housing shortage in Palestinian East Jerusalem, where residents have been systematically prevented for the last 42 years from building lawfully to meet their needs. Even the new mayor and his deputy in charge of East Jerusalem, Yakir Segev, have explicitly acknowledged the severity of the problem.

The Jerusalem 2000 master plan is a long way from providing a real, comprehensive solution to these needs and, as currently formulated, functions to serve mainly Israeli development needs. But the callous intervention by the Environment Minister, aiming to thwart even the little benefits offered by the master plan, further exacerbates the bitter planning-related realities faced by Palestinians in the eastern part of the city.

#### **5. Laying the cornerstone for Phase II of the Nof Zion settlement**

On October 7, 2009, at the Nof Zion settlement in the Jabel Mukaber neighborhood of East Jerusalem, a cornerstone-laying ceremony was held for Phase II of the community’s development, with the participation of several members of Knesset and extreme right-wing activists from the Kach movement. According to prior publicity, several government ministers were also slated to have a role in the ceremony; they eventually cancelled.

The Nof Zion settlement is the private project of an Israeli contractor who purchased the area in 1969; as a result of Mayor Teddy Kollek’s refusal to approve the establishment of Israeli settlements within Palestinian neighborhoods of the city, the permits for construction of Nof Zion were forthcoming only after the city government changed hands in 1993. Despite its being a private project, the plan has enjoyed ample encouragement and cooperation from the municipality and the planning agencies, and has benefited from favorable variances regarding percentage of built area and infrastructure in comparison to the norm in the surrounding Jabel Mukaber community.

The first phase at Nof Zion was for 91 residential units, marketed to Jews living abroad (mainly the USA and France), but unsatisfactory results prompted a new marketing strategy, targeting the national-

religious population in Israel. This proved more effective, and apartments began to fill up. There are now about fifty families living in the settlement. During Phase II, which as noted was recently launched, construction of another c. 100 units is planned. Eventually, according to the project website and its planning documents (# 4558), Nof Zion is to encompass about four hundred residential units, a sports center, a commercial center, a park, a kindergarten, a synagogue, and a hotel.

## **6. Continued development by Elad at the City of David in Silwan**

Between March and July of 2009, at least 5 new site-specific construction plans were filed involving Silwan / City of David by the Elad organization (13542, 13632, 13638, 13690, 13706). These plans are intended to enable construction of residential buildings, public buildings and tourism facilities and to expand the existing infrastructure in the area, and thus are coordinated with plan 11555 and the Jerusalem master plan which have yet to be submitted for examination by the public.

All this may in fact be signaling the conversion of plan 11555 (after filing with the local planning and building committee at the end of 2007, but progressing to the district level only about a month ago; see the May 2009 Ir Amim report on [Shady Dealings in Silwan](#)), into several small subsidiary plans, after exposure of the fact that the Elad organization was a partner in drawing up and funding the plan, suggesting an egregious conflict of interest.

In any case, approval of these plans will enable continued development of the City of David project designed to promote tourism and to further solidify Israeli control of the area.

## **7. The specter of further evictions in Sheikh Jarrah**

Along with new construction plans and the acquisition of existing buildings by right-wing organizations intent on expanding the Jewish presence in East Jerusalem, legal proceedings continue with the aim of evicting Palestinian families from their homes in Sheikh Jarrah in the northeastern quadrant of the city. On October 27, 2009, the Jerusalem Magistrate's Court was slated to address a petition by the Nahalat Shimon Company, which is spearheading the plans to create a Jewish settlement in Sheikh Jarrah, to evict the Sabbagh family from their homes in Sheikh Jarrah. The petition seeks to evict a total of 8 apartments, housing c. 100 people, near the house formerly inhabited by the Al-Kurd family, who was evicted in November of 2008.

Similarly, on November 2, 2009, the High Court of Justice is slated to hear a petition by members of the Al-Kurd family addressing the takeover by settlers of their house (alongside the house from which their parents were evicted) and the police failure to uphold the law and evict the settlers.

These deliberations are part of a judicial campaign by the settler organization Nahalat Shimon International, the Sephardic Community Committee and the Knesset Israel Committee against some twenty Palestinian families in Sheikh Jarrah. See the [updated report here](#).<sup>1</sup>

Thus far, five families have been evicted from the neighborhood (Al-Kurd, Ghawi, and three Hanun families).

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<sup>1</sup> The legal struggle over these properties began in 1972, when the Sephardic Community Committee and the Knesset Israel Committee, aided by the Israel Lands Authority, registered the contested land in their name, relying on 19<sup>th</sup> Century Ottoman documents. Payment of rent was immediately demanded from 27 Palestinian families living there (refugees since 1948, relocated there by the UN refugee agency, UNRWA and the government of Jordan). The Palestinian families appealed against the committees' claim of ownership, but after a long legal struggle, the court accepted the committees' claim and recognized them as owners of the land. Since many of the families had not paid the rent demanded, the committees (together with the Nahalat Shimon company) took legal steps to evict them from their homes.

In August 2008, the Nahalat Shimon company submitted a plan to the Jerusalem District Planning Committee (#12705) that would demolish the existing Palestinian homes, evicting about 500 residents, and build a new settlement, Shimon HaTzadik, with c. 200 residential units.

Although, on the face of it, this seems to be a straightforward legal issue concerning property and ownership rights, the real issue is political and has manifold serious implications:

- Eviction of Palestinian residents from their homes in East Jerusalem in order to resettle Jews creates a dangerous precedent, by opening the files on pre-1948 ownership of property. This might prove exceedingly embarrassing for Israel, should the matter subsequently come to be tested based on the principle of equality under the law. Many of the Palestinian families in East Jerusalem owned property in the western part of the city before 1948; the precedent set here might provoke a collective demand for recognition of those rights, which from Israel's standpoint might end very badly: The probable rejection of the Palestinian demands would reveal a blatant double standard – putting pressure on Israel from a new and unexpected direction with regard to its policies concerning refugees and their property, matters that are already complicated enough.
- The intense settler activity in Sheikh Jarrah is not random. It is an integral part of the effort to create a ring of Israeli settlements around the Historic Basin that will afford territorial contiguity with the western part of the city, and will intensify the segregation of East Jerusalem from the West Bank while precluding the possibility of Jerusalem serving as the Palestinian capital when the time comes. Stated another way, this activity is part of an effort not only to dictate in advance the outcome of the political negotiations over Jerusalem, but also to wreck any chance of their mere existence.
- On the local level, the addition of dozens of settlers in Sheikh Jarrah after the eviction of so many Palestinian residents will amplify the already rampant hostility and tension generated by these developments. This pertains to all the Israeli settlement activity in East Jerusalem, but especially to Sheikh Jarrah where the settlers' entry is conditioned on having Palestinian families thrown out, literally, onto the streets.
- On the international level, stark images of more dozens of Palestinians evicted and living on the street while Jewish settlers, with the court's approval, take over their homes, is doing terrible damage to Israel's stature in the international arena and can be expected to evoke outrage even among Israel's best friends around the world.

At this juncture, when the mood in Jerusalem is more sensitive than usual, Israel and its institutions ought to halt these actions and honor the nation's repeated obligations to the peace process in order to prevent further damage to the stability of Jerusalem, in the best interests of Israel and the region as a whole.