

2017 Year-end Summary: From Deepening Control of the Heart of the City to Advancing Plans to Redraw its Boundaries



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Over the course of 2017, the government of Israel intensified its two-pronged Jerusalem strategy to reinforce the city's status as the capital of Israel while dismantling Palestinian Jerusalem. This dual approach is being carried out both on the periphery of the city and within the heart of East Jerusalem – the Old City and surrounding band of Palestinian neighborhoods. Israel is actively working to alter the boundaries of Jerusalem through legislation, through the creation of Palestinian enclaves on the outskirts of the city, and through unchecked building of Israeli neighborhoods/settlements and highway infrastructure to link the city to the three adjacent settlement blocs in service to the vision of a “Greater Jerusalem.” In parallel, Israel is acting within the core of East Jerusalem – the Old City and its environs – by promoting an unprecedented number of touristic settlement initiatives inside Palestinian neighborhoods, advancing evictions and uprooting Palestinian families, demolishing homes (throughout East Jerusalem), enabling the erosion of the status quo on the Temple Mount/Haram al Sharif, stepping up policing activities under the guise of “governance,” and expunging the Palestinian narrative in Jerusalem. These measures constitute a significant deepening of Israel's Jerusalem policy, at a time when large segments of the Israeli opposition not only fail to challenge the government's policies but actually help to reinforce them. Take, for example, the Zionist Union's proposal to separate Palestinian neighborhoods from Jerusalem – a plan that would only exacerbate the deterioration and fragmentation of East Jerusalem.

At the end of the year, Israel's Jerusalem policy received an infusion of support from US President Donald Trump who, on December 6, 2017 declared US recognition of Jerusalem as the capital of the State of Israel: “Jerusalem is Israel's capital. This is nothing more, or less, than a recognition of reality. It is also the right thing to do. It is something that has to be done.” Trump qualified his declaration by adding, “We are not taking a position on any final status issues, including the specific boundaries of Israeli sovereignty in Jerusalem or the resolution of contested borders. Those questions are up to the parties involved.”

The president called for preservation of the status quo at Al Aqsa while announcing that he had ordered necessary measures to be taken to move the American embassy in Israel to Jerusalem¹. At the end of his speech, he signed a presidential waiver postponing the embassy move for an additional six months. Trump's declaration was enthusiastically received by the Israeli government while garnering criticism from other countries in the Middle East as well as most of the international community. The Palestinian Authority reacted by canceling meetings with high level American officials and declaring that the United States is no longer in a position to serve as a mediator between Israel and Palestine.

As this report will demonstrate, in the absence of a political process those seeking to preserve an opening for a fair resolution on Jerusalem must challenge policies designed to fragment Palestinian Jerusalem – policies that undermine the stability of life in the city and make the possibility of a resolution on Jerusalem even more remote. There can be no feasible solution to the Israeli-Palestinian conflict without a plan providing for two capitals in Jerusalem and toward this end, it will be insufficient to prevent Israeli building beyond the Green Line. It is critical that steps be taken to effectively address the reinforcing processes Israel is now carrying out: unilateral moves to alter Jerusalem's boundaries while strengthening control over the Old City and its environs in an attempt to reconstitute its character and dismantle Palestinian society in Jerusalem.

¹ Full speech: [President Trump declares Jerusalem as capital of Israel](#), You Tube. On February 23, 2018, the US State Department announced that it would move its embassy in May 2018 to coincide with the 70th anniversary of Israel's establishment.

TABLE OF CONTENTS

- I. Israeli Policies for Redrawing the Boundaries of Jerusalem..... 4**
 - A. Legislative Proposals Initiated by the Coalition: Separation of Palestinian Neighborhoods and Settlement Annexation 4
 - B. Advancing Plans to Expand Israeli Neighborhoods/Settlements 7
 - C. Highway Infrastructure: Connecting Greater Jerusalem and Isolating Palestinian Areas 8
 - D. Home Demolitions10
 - E. The Walajeh Enclave: From Palestinian Farmland to an Israeli Recreational Site.....11
 - F. E-1: Advancing Infrastructure and Transferring Communities 13

- II. Israeli Policy in the Heart of East Jerusalem.....14**
 - A. Touristic Settlement Sites within, above and below Palestinian Neighborhoods.....14
 - B. Uprooting of Palestinian Families16

- III. The Temple Mount/Haram al-Sharif.....18**
 - A. The Metal Detector Protest18
 - B. Tightening Relations between the State and Temple Movement Activists & Erosion of the Status Quo.....19

- IV. Policing and Selective Enforcement under the Guise of “Governance” 20**

- V. Jerusalem: Present Home and Future Capital of Two Peoples 21**

I. ISRAELI POLICIES FOR REDRAWING THE BOUNDARIES OF JERUSALEM

A. Legislative Proposals Initiated by the Coalition: Separation of Palestinian Neighborhoods and Settlement Annexation

In June and July 2017, two bills were introduced to the Knesset by members of the coalition: Amendment 2 to the Basic Law: Jerusalem, Capital of Israel and the Greater Jerusalem Bill. Both bills (one since enacted) were designed to substantively alter Jerusalem's boundaries toward the goal of the de facto annexation of the settlement blocs surrounding Jerusalem, imposition of further restrictions on future negotiations on Jerusalem, and the uprooting of roughly one-third of the Palestinian residents of the city who live in the East Jerusalem neighborhoods left outside the Separation Barrier. As detailed in [Ir Amim's comprehensive policy paper](#), should these policies – advanced over the heads of Jerusalem's residents – be realized, they would grievously threaten remaining chances for a political solution, disrupt the urban fabric, and exacerbate the conflict in Jerusalem.

The Greater Jerusalem Bill² seeks to expand the jurisdiction of Jerusalem so as to absorb the local authorities in the three settlement blocs adjacent to the city – Ma'aleh Adumim (including the E1 area), Gush Etzion, and Givat Ze'ev – while at the same time detaching the East Jerusalem neighborhoods beyond the Separation Barrier and putting them under local authorities outside the Jerusalem Municipality. Prime Minister Netanyahu has announced his support for the Greater Jerusalem Bill³ but to date it has not been advanced – according to media speculation, due to pressure from the US government.⁴

In July 2017, Ministers Naftali Bennett and Ze'ev Elkin promoted a restrictive **amendment (number two) to the Basic Law: Jerusalem, Capital of Israel**. The proposed amendment, hastily approved in a preliminary reading in the Knesset before it broke for summer recess on July 26, 2017, provided that article 6 of the Basic Law, which prohibits the transfer of any area of Jerusalem to a foreign entity, would henceforth be protected from amendment by a supermajority of 80 members of Knesset (as opposed to the previous requirement of 61). As proposed, this article (requiring a supermajority of 80 members of Knesset) could only be amended by a majority of 61 MKs (article 7).⁵

² Greater Jerusalem Bill, 5777-2017 – P/4386/20, was introduced in the Knesset.

³ Jonathan Lis, [Netanyahu Backs Expanding Jerusalem's Jurisdiction to Include West Bank Settlements](#), haaretz.com, July 27, 2017.

⁴ Yanir Cozin, Arik Bender, *Creeping Annexation: Netanyahu Sought to Postpone the Debate on the Greater Jerusalem Bill*, MA'ARIV, Oct. 28, 2017 [Hebrew].

⁵ Regarding each of the articles (6 and 7) and the manner in which they operate together, this is an exceptional and rare protection in the Israeli basic law and its propriety in terms of the rules of democracy is questionable.

Furthermore, the proposed amendment attempted to annul article 5, which declares that the law applies to the entire annexed area of Jerusalem. In its place, text was added to article 6 providing that all areas **currently** within the municipal borders of Jerusalem may not be transferred to a foreign entity. The change, which at first glance appears to be cosmetic, is intended to enable the government to make municipal changes in the jurisdictional area of Jerusalem, e.g., to advance the removal of the neighborhoods outside the Barrier from the jurisdiction of Jerusalem, or the absorption of the settlement blocs into the city, as proposed in the Greater Jerusalem Bill.⁶

On January 2, 2018, the Knesset plenum passed the 2017 Amendment to the Basic Law: Jerusalem,⁷ after changes made approximately two hours prior to the final vote. According to the final changes, the requirement of a supermajority of 80 members of Knesset (as opposed to 61) regarding any decision involving the transfer of land from Jerusalem to a foreign entity (article 6) was passed. The provision that the requirement of a supermajority (80 MKs) could be changed by legislation passed by a majority of 61 members of Knesset (article 7) also passed. The proposed annulment of article 5 of the Basic Law was rejected. The proposal was advanced at the initiative of Minister Elkin, reflecting his plan, through the Ministry of Jerusalem Affairs, to detach the neighborhoods outside the Separation Barrier from the municipal area of Jerusalem. At the last minute, due to internal factional frictions, the Jewish Home party blocked the provision. Should Elkin seek to renew his proposal in the future, he will need to introduce a new bill – which could, due to other changes in the new law, be passed by a simple majority.

While the condition of an enhanced majority to transfer areas of Jerusalem from Israeli sovereignty could have significant political ramifications, it will only be relevant if and when there is an Israeli coalition genuinely invested in promoting a viable solution to the conflict, at which point it would be possible to amend the law. On the other hand, any bills or plans leading to the exclusion of Palestinian neighborhoods from the city constitute dramatic moves with immediate practical implications. Such initiatives express a new strategy of the right which, until recently, made efforts to prevent any changes to the area of Jerusalem – a position still held by most members of the Jewish Home. While MK Elkin did not succeed in advancing his separation process through the legislation, it has been reported in a number

⁶ A preparatory document of the legal counsel of the Constitution, Law and Justice Committee of the Knesset in preparation for the discussion on the proposed amendment to the Basic Law: Jerusalem, July 24, 2017.

⁷ Proposed Amendment to the Basic Law: Jerusalem, the Capital of Israel (Amendment no. 2) (Provisions regarding the Area Within Jerusalem's Boundaries and the Majority Necessary to Change them) P/4346/20.

of news outlets that efforts to extract the neighborhoods from the area of Jerusalem have not been abandoned.⁸

The amendment to the Basic Law would enable changes to the boundaries of the city (so long as Israeli sovereignty is maintained in the entire area of the city) by a simple majority. Should this intention be realized, it will have grave political, urban and humanitarian repercussions: at issue is no less than an attempt to transfer 120,000 Palestinians living in the neighborhoods beyond the Barrier – more than one-third of the population of East Jerusalem – from the jurisdiction of the city, precipitating the complete destabilization of East Jerusalem. The potential transfer of Palestinian residents to a fictitious municipal authority will only exacerbate the current state of dysfunction and neglect by state authorities in these areas. Significant harm to one-third of the Palestinian population of the city would impact all of East Jerusalem and have ramifications for the stability of the city as a whole.

Minister Elkin's plan joins MK Anat Berko's (submitted to the Prime Minister), which also relates to the detachment of Palestinian neighborhoods of East Jerusalem. Ideas in the same vein as MK Berko's plan were raised during contacts between Prime Minister Netanyahu's office and President Trump's negotiating team.⁹ Members of the Zionist Union have also promoted unilateral plans; and MK Yoel Hasson, party chairman, has gone even further by submitting a bill not only to sever Palestinian neighborhoods but also to revoke Israeli resident status from the Palestinians living there.¹⁰ Instead of demanding that the government return to negotiations, and in the meantime that it act with determination to renew and institutionalize alternative channels of Israeli-Palestinian dialogue, members of the Zionist Union who support unilateral measures are strengthening the government's position that "there is no partner," further undermining the possibility of a political solution and contributing to an escalation of tension in the city.¹¹

⁸ Yaniv Kubovich, [Israeli Army Considering Taking Control of Palestinian Areas in East Jerusalem](#), haaretz.com, Jan. 18, 2018; Dana Weiss, [Will East Jerusalem Neighborhoods be Transferred to the Palestinians?](#), CHANNEL 2 NEWS, Jan. 20, 2018 [Hebrew].

⁹ Ben Caspit, *Exposé: The Plan for Separation of Neighborhoods in East Jerusalem that was Presented to Netanyahu*, MAARIV, May 25, 2017 [Hebrew].

¹⁰ Bill No. P/4546/20 was rejected in a preliminary vote in a session of the Knesset on Nov. 15, 2017, with a majority of 61 against 14.

¹¹ For more on the flaws of the unilateral plans, see, Ir Amim, [Jerusalem: Present Home and Future Capital of Two Peoples](#) – Policy Paper (February 2016).

B. Advancing Plans to Expand Israeli Neighborhoods/Settlements

In January 2017, Donald Trump was inaugurated as the 45th president of the United States. The change in the American administration was greeted enthusiastically by the Israeli government, which anticipated that the transition would provide an opportunity to expedite building and construction plans. One year later, the change in administration has had a palpable impact on building and construction in Jerusalem.

During the first five years of US President Barak Obama's presidency, Israel advanced a record high number of tenders and construction plans beyond the Green Line in Jerusalem (tenders for more than 5,700 residential units and plans for more than 10,570 residential units advanced through the planning system). In contrast, during the last two and a half years of Obama's presidency, after the collapse of the John Kerry-led initiative in April 2014, there was a sharp decline in the number of plans and tenders Israel promoted beyond the Green Line (in total, tenders for about 2,000 residential units and a similar number in plans being promoted). Right-wing figures attributed the relative lull to a "building freeze" resulting from US pressure, particularly in the cases of Givat Hamatos and E-1.

The promotion of new Israeli plans beyond the Green Line in Jerusalem in the first half of 2017 was minor in scope. During this period, government ministers several times alluded to the possibility of construction in East Jerusalem, noting the importance of coordination with the Trump administration.¹² Unlike the relatively low number of new plans promoted, actual construction based on prior approval of master plans and previously published tenders did occur on a significant scale. Actual construction included 625 residential units in Pisgat Ze'ev, 734 units in Ramot, hundreds of units in Ramat Shlomo, 700 units in Gilo Western Slopes and hundreds of units in Har Homa.¹³

In July, construction plans were renewed with vigor. The Jerusalem District Planning and Building Committee advanced a substantial number of building plans beyond the Green Line in Jerusalem. Likewise, in November a number of plans for residential construction advanced. Together, these two waves involved the promotion of 2,328 residential units. The plans at issue are concentrated almost entirely on the northern perimeter of East Jerusalem: Ramot, Ramat Shlomo, Pisgat Ze'ev and Neve Yaakov, where 11 plans comprising 2,058 residential units have been advanced. These plans expand the Israeli neighborhoods/settlements, consuming the remaining space between them and nearby

¹² Itamar Eichner & Orli Azoulai, *Construction in the Settlements: Israel will Adopt Policy that Takes into Account Trump's Considerations*, YNET site, March 24, 2017 [Hebrew].

¹³ This refers to actual construction or building permits that are under consideration by the Local Committee.

Palestinian neighborhoods so as to inhibit development of the Palestinian neighborhoods and further complicate any future division of the city.

These numbers represent a considerable jump compared to recent years in which, as stated, the scope of plan promotion decreased. That being said, only one plan – for 44 residential units in Ramot – reached the stage of final approval. According to media speculation, there is an Israeli-American understanding in place that limits the promotion of construction plans in the West Bank to once every three months.¹⁴ The pattern of plans being advanced in Jerusalem once every few months supports the plausibility of this supposition.

In spite of numerous declarations over the years regarding intentions to launch construction in Givat Hamatos¹⁵ – from senior ministers and even the prime minister himself – in practice, no tenders have been published and no building permits have been issued for private land (exempt from tendering) in the area. In October 2017, drilling to conduct requisite geological surveys for construction was observed in Givat Hamatos, a clear indication of steps being taken toward construction.

In 2017, only one tender – for 130 residential units in Har Homa (for an assisted living center) – and three tenders for commercial structures in Pisgat Ze’ev were published. The negligible number of tenders is not necessarily evidence of a deliberate political decision but rather largely attributable to a slowdown in the planning process from 2014 to 2016. Givat Hamatos is the only approved plan that was stopped prior to publication of tenders though the aforementioned geological survey conducted last year demonstrates the fluidity of the process, even with regard to this highly controversial plan.

C. Highway Infrastructure: Connecting Greater Jerusalem and Isolating Palestinian Areas

Similar to large-scale planning and construction trends, forwarding of highway infrastructure projects beyond the Green Line was concentrated on the northern perimeter of East Jerusalem in 2017:

Work to complete paving of the **northern section of the Eastern Ring Road, also known as “the Apartheid Road,”** resumed in 2017. Though most of the work was completed years ago, the road has yet to be opened to traffic. This particular section of the highway will serve Israeli traffic entering the city from the settlements northeast of Jerusalem, ultimately

¹⁴ For example, Yuval Karni and Elisha Ben Kimon, *Building Here*, YEDIOT AHARONOT, Oct. 9, 2017 [Hebrew].

¹⁵ Kuti Fundaminsky, *Netanyahu makes a Surprising Declaration: We Need to Build in Givat Hamatos as Quickly as Possible*, YEDIOT YERUSHALAYIM, Sept. 24, 2017 [Hebrew].

enabling removal of the Hizma checkpoint east of Pisgat Ze'ev. Two additional lanes, segregated on the other side of a barrier built inside the highway, will route Palestinian traffic from the Ramallah area toward Al-Izzariyya and from there to Bethlehem and the southern part of the West Bank. The renewal of work on the highway after years of cessation signals that Israel has not surrendered on efforts to advance construction in E-1 and that there is now less pressure being exerted to restrain infrastructure building for settlement construction.

Construction also began on **the Zeitim Interchange** at the eastern entrance to Jerusalem, designed to join the Eastern Ring Road to Highway 1 (which connects Ma'aleh Adumim to Jerusalem).

Planning has been initiated to replace traffic junctions with tunnels in order to ease **traffic from Ma'aleh Adumim and the settlements north-east of the city into Jerusalem** – one at the exit junction from Pisgat Ze'ev to the highway connecting the Hizma checkpoint to the Begin Highway (the major north-south artery through Jerusalem) and the second at the French Hill junction on the Jerusalem-Ma'aleh Adumim highway.

On the southern perimeter of the city, work is progressing on the **Rosemarin Interchange** in Gilo in order to connect Highway 60 (the Tunnel Road) from the settlements in Gush Etzion to the new section of the Begin Highway built through the heart of Beit Safafa. The six-lane highway through Beit Safafa was completed despite the protracted protest of neighborhood residents and their attempts to minimize damage to their community. Two plans to complete the interchange advanced in 2017, one of which received final approval.

Planning has been initiated **to double the number of lanes on Highway 60** leading south out of Jerusalem to the tunnel checkpoint at the outskirts of Beit Jala. The Civil Administration issued expropriation orders for construction on parts of the highway – a major engineering project that will entail digging tunnels through the mountain and constructing large bridges over river beds in the path of the highway. The Moriah Development Company estimates that planning will be finished sometime in 2018 and that the project will take four years to complete.

Planning costs for these projects are in the range of hundreds of millions of shekels and construction budgets will reach billions. These ambitious plans and the enormous sums being allocated for their implementation should be understood as another stage of the process toward realizing the vision of Greater Jerusalem. Extensive highways and attendant infrastructures are required to connect the settlement blocs to the city and to create a territorial and metropolitan contiguity that produces the impression of “Greater Jerusalem.”

In this way, even without completion of the legislative processes discussed at the beginning of this report, the reality toward which they are striving is gradually being realized, step by step, on the ground.

D. Home Demolitions

In 2017, a total of 173 demolitions – 86 residential units and 87 non-residential units (storage facilities, stores, etc.) – were executed in East Jerusalem on the grounds that they were built without permit.

The pace of demolitions is more than twice the annual average in the previous decade. This accelerated pace, beginning in the second half of 2015, does not appear to be coincidental but rather the direct result of a calculated shift in policy. The report of the State Comptroller to the Jerusalem Local Planning and Building Committee notes that at the outset of 2016, the Jerusalem Municipality established a work plan and a special team to increase the demolition of homes built without a license.¹⁶ Moreover, at the beginning of 2016, the District Planning and Building Committee resumed enforcement and demolitions in Jerusalem. In Jerusalem – similar to Arab municipalities in Israel – both the local authority and the District Committee carry out demolitions.¹⁷ At the same time, a new trend started in 2016 and persisted throughout 2017: the demolition of homes in the Jerusalem neighborhoods beyond the Separation Barrier where, from the time of construction of the Barrier until 2016, no housing demolitions had been carried out.

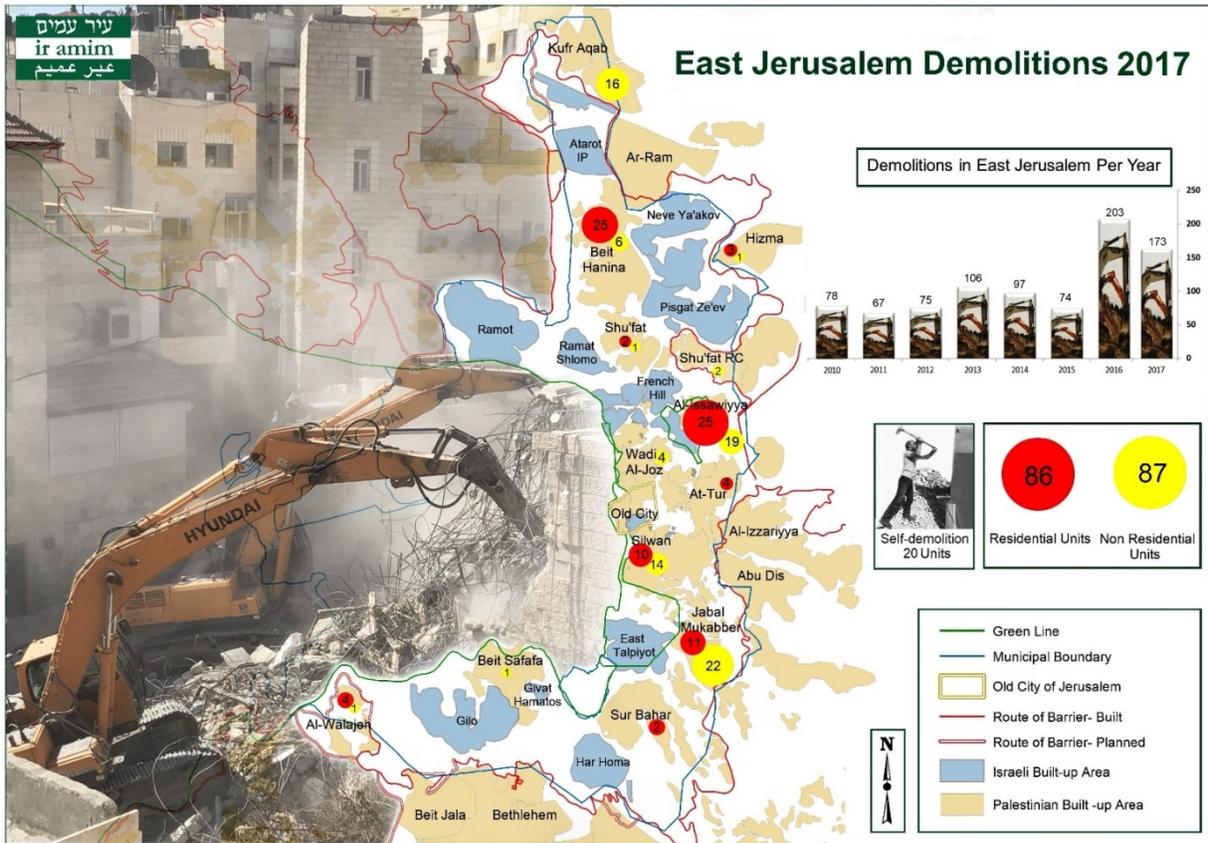
It is interesting to note that in Area C, there was a decline in demolitions in 2017. While in 2016 there was a steep increase in house demolitions in both Area C and Jerusalem, in the first half of 2017 there was a significant decline in demolitions in Area C. According to data from B'Tselem, in the course of the first eleven months of 2017 Israel demolished 98 residential units in Palestinian communities in Area C compared to 274 residential units in 2016, the lowest number of demolitions in the West Bank since 2010.

In East Jerusalem, not only was there no parallel decrease in the number of demolitions in the first half of 2017, there was an actual increase compared to the first half of 2016. However, an examination of the dates of demolitions in East Jerusalem reveals a decrease in the number of home demolitions in the second half of 2017 as compared to the first half of the year and as compared to 2016. This decrease can likely be attributed, at least partially, to

¹⁶ *Reports on the Oversight in the Local Governments for 2016 – The Jerusalem Municipality's Local Planning and Building Committee*, the State Comptroller site, Nov. 22, 2016 [Hebrew].

¹⁷ In January 2013, the District Committee announced that due to the efficiency of the Jerusalem Municipality, it would stop carrying out enforcement activity in Jerusalem.

the effect of the “metal detector protest” that broke out in the second part of July (see below) and presumably contributed to slowing the upward trend in home demolitions in East Jerusalem that started in 2016.



E. The Walajeh Enclave: From Palestinian Farmland to an Israeli Recreational Site

In May 2017, Israeli authorities renewed work to erect the Separation Barrier around the village of Walajeh, located on the southern perimeter of East Jerusalem. A fence stretching more than 2.5 kilometers, encompassing the village on its northern side (the municipal boundary runs through Walajeh, leaving the northern part in East Jerusalem and the southern part in the West Bank) was added to the one kilometer-long wall constructed in 2010 in the southern part of the village. The new section blocks off the road that connects the northern part of Walajeh through the Cremisan Monastery to Beit Jala and leaves the village with only one operational exit.

In December, the Committee for Security Installations announced its intention to transfer the checkpoint between Jerusalem and Walajeh to a new location, closer to the village. The Local Council of Walajeh submitted objections based on the argument that the checkpoint

would block residents' access to their farmland and to the Ein Haniya Spring, which would remain on the Israeli side of the checkpoint. The Har Gilo settlement also submitted objections to moving the checkpoint, to be located on the road connecting the settlement to Jerusalem, claiming that it will offer insufficient security. The committee has yet to consider objections¹⁸.

The fact that work to erect the Barrier was renewed – after four years during which the State froze construction at its own initiative – underscores how construction of the Barrier is related to other political decisions the Israeli government is now setting into motion. As in other areas around Jerusalem, the route of the Barrier is planned in accordance with the “Greater Jerusalem” policy, the goal of which is to effectively annex the three major adjacent settlement blocs to Jerusalem while further fracturing the Palestinian space. The route of the Barrier cuts Walajeh off from Jerusalem while making a bypass in order to leave the settlement of Har Gilo on the Israeli side. This winding route creates an isolated enclave out of Walajeh, separating it from nearby Palestinian communities while obstructing the village's access to its own land, much of which remains on the Jerusalem side of the Barrier and has been declared as national park land for the establishment of the Nahal Refaim National Park. The State has confiscated the village's land, severed it from its owners, and used it to further the continuum being created between Jerusalem and Gush Etzion.

There is a 600-meter gap in the Barrier on the northwest side of Walajeh where the Barrier has not been built. Recently, Ir Amim found evidence of a serious geological threat to completion of the Barrier: concerns that an adjacent hill will collapse if the Barrier is built.¹⁹ In the wake of the disclosure, the defense establishment announced that due to this complication, there is no intention to complete the Barrier in Walajeh in the foreseeable future. Ir Amim's research revealed that the problem was in fact well known to defense authorities prior to launch of construction on the Barrier as well as at the time of a hearing on a petition from the residents of Walajeh to change the route of the Barrier – a petition denied by the judges based on misleading testimony from defense authorities. The authorities' insistence on building the Barrier along an untenable route makes it clear that the planning criteria were based on political rather than security objectives – specifically, connecting Gush Etzion to Jerusalem while isolating Walajeh and appropriating its land.

Furthering of the continuum between Jerusalem and the settlements of the Gush Etzion Regional Council by way of the Nahal Refaim National Park continued in 2017 via

¹⁸ Post Hebrew publication note: On Feb 12, 2018, the Committee approved the permit and construction has since been launched.

¹⁹ Nir Hasson, [‘Living in a Prison, Though I Have the Key’: All Alone on the Wrong Side of Israel’s Separation Barrier](#), HAARETZ, Dec. 19, 2017.

development of a visitors' center on an area of 40 dunams of the national park. The park was declared on an area of 1,000 dunams of Walajeh land and an additional 200 dunams of land from Beit Jala. Over the course of the year, the East Jerusalem Development Company hired architects to determine how to plan the area to attract Israelis. Construction of the Barrier, together with relocation of the roadblock, will leave the Walajeh land subsumed into the Nahal Refaim National Park on the Israeli side of the Barrier. As a result, Palestinians – including landowners from Walajeh – will be deprived of access to their farmland in order to transform it into an Israeli recreational site.

F. E-1: Advancing Infrastructure and Transferring Communities

The plan for 2,600 housing units in Givat Hamatos A and the E-1 plan are widely considered to be the principal threats to the viability of a two-state solution. While large-scale construction plans in the E-1 area have not been advanced since the end of 2012, in the course of the past year Israel has conducted various activities prerequisite to construction. The aforementioned resumption of pavement of the northern section of the Eastern Ring Road – expected to be opened to traffic in the next few months – is one example. At present, Palestinian traffic between the north and south of the West Bank must pass through the area marked for E-1, an impediment to establishing a settlement there. Opening the northern segment of the Eastern Ring Road solves this problem by enabling Israel to block E-1 to Palestinian vehicles and divert traffic away from the area. The tunnel at the French Hill junction will also enable what would be an anticipated increase in the volume of traffic between Jerusalem and Ma'aleh Adumim if thousands of residential units are constructed in E-1. This infrastructure improvement and easing of traffic congestion can be understood as a precondition for construction in E-1.

In the course of the past year, the Israeli authorities also initiated new moves to designate the area between At-Tur and Issawiyya as the “Mt. Scopus Slopes National Park.” In 2014, the Appeals Committee of the National Planning Council cancelled approval of the plan pending an obligatory community needs assessment. In 2017, in contravention of the Appeals Committee's decision and proper planning procedures, the area was designated as a national park in the national master plan for nature reserves; and in the urban master plan for nature sites, the area was identified in a list of sites under the authority of the Israel Nature and Parks Authority. The proposed national park site is located on the eastern flank of East Jerusalem, bordering on the E-1 parcel; making it into a national park will break the contiguity between the East Jerusalem neighborhoods of At-Tur and Issawiyya, swallow up their remaining land reserves, and create an Israeli continuum between Mount Scopus and its surrounding Israeli neighborhoods and Ma'aleh Adumim/ E-1.

Simultaneously, in the course of the past year Israel has advanced multiple steps that demonstrate its determination to transfer entire Bedouin communities now living in the E-1 zone. In 2017, Israel markedly stepped up its policy of home demolitions in the area. In February 2017, the Civil Administration served roughly 40 demolition orders – unprecedented in scope – for structures in the Bedouin village of Khan al-Ahmar, located to the west of the Kfar Adumim settlement.²⁰ In August, prior to the hearing of a petition against the demolition orders, Israeli Minister of Defense Avigdor Lieberman revealed a plan to demolish the entire village within two months.²¹ In September, the State notified the High Court of Justice that the village would be evacuated by mid-2018.²² The following November, the Civil Administration issued an order for the evacuation of the Jabal al-Baba community, west of Ma’aleh Adumim.²³ This is the first time these procedures, intended for the evacuation of illegal settler outposts, have been directed at a Palestinian community. Use of the order is intended to prevent the community from defending itself in the drawn-out legal process outlined under planning and construction laws. The residents submitted a petition against the evacuation order to the High Court of Justice, scheduled to be heard in May 2018.

II. ISRAELI POLICY IN THE HEART OF EAST JERUSALEM

A. Touristic Settlement Sites within, above and below Palestinian Neighborhoods

The population density in the built-up areas of the Old City limits Israel’s ability to advance plans for residential settlements as a means of altering its demographic character. After 50 years of Israeli control over East Jerusalem, nearly 100,000 Palestinians live in the Old City and the surrounding neighborhoods and at most 6,000 Israelis, 3,000 of whom live in the Jewish Quarter of the Old City. In grappling with this demographic reality and with the symbolic value of a space holy to three religions, non-residential projects – especially those targeting tourism and archeology – assume a central role in Israeli policy. While generally not presented as settlement initiatives, these projects are often distinguished by close cooperation between government agencies and settler organizations.

²⁰ Yotam Berger, [In Rare Move, Israel Orders Demolition of Entire West Bank Bedouin Village](#), haaretz.com, Feb. 20, 2017.

²¹ Editorial, [Stop the Forced Uprooting of Bedouin Communities from the West Bank](#), haaretz.com, Sept. 24, 2017.

²² Yotam Berger, [Israel Tells High Court: Bedouin in Unauthorized West Bank Village Will be Evacuated by Mid-2018](#), haaretz.com Sept. 25, 2017.

²³ Amira Hass, [According to Israel’s Deputy Defense Minister, the Palestinians Might Have Landed from Mars](#), haaretz.com, Nov. 18, 2017.

Over the years, Ir Amim has intensively monitored this trend as it relates to national parks – especially to the City of David archaeological site in Silwan and increasingly, new projects in development that further Israel’s policy goals. These projects are characterized by planning that is culturally and politically indifferent to the dense population and sensitive nature of the Old City and adjoining Palestinian neighborhoods. They allow the Israeli government to exploit tourism as a tool for reinforcing settlement initiatives in the Old City and its environs, erasing the significant Palestinian presence there, and promulgating the idea of the entire area as an Israeli environment. The role of these sites is to impose a nationalistic Israeli character that blurs the multi-religious and multi-cultural nature of the space, primarily to the detriment of the Muslim sites and presence.

In 2017, five touristic settlement sites in the hearts of the Palestinian neighborhoods of Silwan, Ras al-Amud and At-Tur advanced in the planning committees: a plan for a **visitors’ center in the cemetery on the Mount of Olives in Ras al Amud**, facing the settlement of Ma’aleh Zeitim; a plan for a **promenade in the center of At-Tur** that would create a continuum between the settlements of Beit Orot in the northern part of the neighborhood and Beit Ha’Hoshen in the south; a plan for the **Kedem Compound at the entrance to Silwan** (officially approved), the plan for a **cable car linking to the Kedem Compound** (see below), and a **bridge above the Ben Hinnom Valley** (building permit approved).

Two projects are particularly significant:

In July 2017, official approval of the **Kedem Compound** in Silwan, a four-story visitors’ center planned and promoted by the Elad settler organization, was announced.²⁴ This project will enhance Elad’s control in Silwan, currently focused in the City of David, where Elad maintains authority for daily management of the park. Elad is also known for waging Palestinian house takeovers over the last several decades that have resulted in the eviction of numerous Palestinian families.

On December 13, the National Infrastructure Committee held its first hearing on a plan for a **cable car to the Old City**. The cable car will originate in West Jerusalem and from there, transport passengers to the Dung Gate station, to be located on the roof of the Kedem Compound. The project, which threatens to harm the exterior of the Old City, will require a reported investment of 200 million shekels. At a hearing on the project, Jerusalem Mayor Nir Barkat and Director General of the Ministry of Tourism, Amir HaLevi, promoted the project as critical tourist infrastructure with the potential capacity to shuttle tens of thousands of tourists to the Old City every day.

²⁴ Ir Amim, *Between Holyland and Kedem*, Dec. 2013 [in Hebrew].

The cable car project is the first tourism-related undertaking to be advanced through the National Infrastructure Committee. This circumvention of the customary planning process constrains the public's ability to delay problematic plans and exert influence to reduce their impact. The National Infrastructure Committee was established to enable the fast tracking of national infrastructure projects (large construction projects, railroads, etc.). Prior to an amendment to the Planning and Construction Law enacted a year ago, tourism-related plans could not be brought before the committee. As detailed in the course of a hearing before the committee, approval of the plan is expected to take approximately one year, after which construction is anticipated to take roughly 15 months.

Israel is bypassing the planning and construction committees to advance several other plans: a tunnel in Silwan between the Shiloah Pool and the Kedem Compound; and the "Shalem Plan" for extensive archeological digs in Silwan, Mount Zion and the Old City, announced by the government in May 2017.²⁵ Recently, Minister of Culture Miri Regev announced intentions to allocate a budget of 250 million shekels to implement the plan.²⁶

All of these plans serve the overarching goal of transforming Silwan from a neighborhood that is home to tens of thousands of Palestinians into one sprawling tourist site that bolsters Israeli control of the neighborhood and access to it, rewriting the history of Silwan and its environs through the imposition of an exclusive Jewish Israeli narrative. These plans, despite their tremendous political and environmental sensitivity, are being fast tracked outside of appropriate planning channels and without public participation, in service to decidedly political considerations and with the prominent involvement of settler associations.

B. Uprooting of Palestinian Families

In December, the Israeli High Court of Justice ruled in favor of the **transfer of a store in the Muslim Quarter** from its Palestinian tenants to the Talmudei Torah trust on the basis of the Law and Administrative Regulations Law (1970), which enables Jews to claim property in East Jerusalem that was owned by Jews prior to 1948.

Over the course of 2017, settlers took control of **two Palestinian homes, one in Silwan and one in Sheikh Jarrah**. In Sheikh Jarrah, with the Law and Administrative Regulations Law as justification, the Shamasneh family was evicted from its home and the home transferred to the Israel Land Fund, managed by settler and City Council member Aryeh King. In Silwan,

²⁵ *The Antiquities Authority presented the "Shalem Plan" for the Exposure and Development of Ancient Jerusalem*, the site of the Ministry of Culture, Art and Sport, June 1, 2017.

²⁶ [Regev Pushes for Extensive Old City Excavations in Jerusalem](#), YNET English language site, Dec. 18, 2017.

Elad settlers took control of the Kara'in family home in Wadi Hilweh, contending that they had purchased the apartment. The Court has yet to issue a decision on a petition from the family maintaining that no sale took place.

In 2017, the Israel Land Authority (not to be confused with the Israel Land Fund, a private entity) published a tender for the sale of 25% of the ownership of a residential building in Silwan, in its possession on the basis of the Absentee Property Law. That tender enabled Elad, which had previously taken over one part of the building, to acquire an additional portion, giving it the majority ownership required to eventually evict the Palestinian family residing there.

The relatively small number of evictions in 2017 can be misleading given the seriousness of the threat and the likelihood of it being raised in the near future. The eviction of the Shamasneh family is the first to be executed in Sheikh Jarrah in eight years, since weekly demonstrations first aroused sharp international condemnation of evictions in the neighborhood. Today there are **multiple claims for eviction of another 75 families in Sheikh Jarrah** advancing in court.

In addition to these cases, **eviction claims are underway against 21 families in the Old City and 31 families across the Wadi Hilweh section of Silwan, Ras al-Amud, Musrarah, Beit Safafa and Beit Hanina.**²⁷

After a long planning freeze, **four plans for settlement sites in Sheikh Jarrah** advanced in the planning system. Two of the plans – for residential buildings in the heart of the neighborhood – would require the demolition of existing buildings and the evictions of at least seven Palestinian families currently residing in them. There are two additional plans for mid-rise buildings that would house, respectively, office space and a yeshiva and dormitory at the entrance of the neighborhood. These projects are planned on lots intended for public buildings to serve the neighborhood – including a municipal elementary school in a neighborhood sorely lacking in educational facilities – according to the Israeli master plan for Sheikh Jarrah.

In the Batan al-Hawa neighborhood of Silwan, eviction proceedings against 66 Palestinian families are in motion. Similar to the trend in Sheikh Jarrah, the Law and Administrative Regulations Law – a law that enables Jews to reclaim assets lost as a result of the division of the city in 1948, with no parallel provision for Palestinians' reclamation of property lost in the same war – is used as the basis for claiming ownership and forcing evictions. It is not just

²⁷ OCHA, [East Jerusalem: Palestinians at Risk of Eviction](#), Nov. 3, 2016.

a few homes that are under threat in Batan al-Hawa; at issue is a densely populated area in which about a hundred Palestinian families – all under threat of eviction – reside.²⁸ Ownership of the area was transferred to the Ateret Cohanim settler organization in a process largely carried out behind closed doors. In 2002, the State appointed members of the settler group to serve as administrators of the Benvenisti Charitable Trust, the supposed title holder of land in Batan al-Hawa prior to 1948. In 2017, settlers moved into several of the 15 apartments in the neighborhood whose residents had been evicted in 2015. The increased presence of settlers, security guards and Border Police heightens tensions and increases the frequency of violent incidents in this volatile neighborhood, where attacks and arrests by Israeli security forces often involve Palestinian children.

In total, eviction proceedings are being advanced against **193 families in East Jerusalem**.

III. THE TEMPLE MOUNT/HARAM AL-SHARIF

A. The Metal Detector Protest

Until the summer of 2017, a general calm had prevailed on the Temple Mount/Haram al-Sharif. That trend was broken in July, when three Arab citizens of Israel opened fire at the gates to the Temple Mount/Haram al-Sharif, killing two Israeli Police officers. In an unprecedented move, the government closed the area to visitors and worshippers for two consecutive days.

Palestinians in East Jerusalem did not recognize the government's installation of metal detectors and high-tech security cameras at the gates to the Temple Mount/Haram al-Sharif following the attacks as a security measure but rather as an exploitative demonstration of power used to intensify Israel's hold on Al-Aqsa. Through spontaneous grassroots organizing, they made the collective decision to refrain from worshipping at the holy site until the Israeli government withdrew what were perceived to be mechanisms of control. Israeli politicians expected the protest to dissipate within several days; instead, it evolved into a sustained mass demonstration in many parts of the Old City and vicinity. Over the subsequent two weeks, Israel was faced with the power of Palestinian Jerusalemites' largely non-violent civil disobedience, conveyed through public prayers, the singing of national songs, and mass rallies. After 12 continuous days – in the course of which three Palestinian demonstrators and three settlers were killed, and Israel was at the same time embroiled in a crisis with Jordan precipitated by one of its Embassy guards in Amman fatally shooting two

²⁸ For details, IR AMIM AND PEACE NOW, [Broken Trust: State Involvement in Private Settlement in Batan al-Hawa, Silwan](#), May 2016.

Jordanians – the government agreed to dismantle the security apparatus. Upon its removal, the Waqf announced the renewal of prayers and the entrance of Muslim worshippers.²⁹

B. Tightening Relations between the State and Temple Movement Activists & Erosion of the Status Quo

During the course of 2017, the Temple movements – radical Jewish activists mission driven to overturn the status quo on the Temple Mount – have focused their strategy on increasing the number of Jewish visitors to the Temple Mount/Haram al Sharif, with noteworthy success. As compared to 14,500 visits by Jews in 2016, in 2017 more than 25,500 entrances to the Mount by Jews were registered – an increase of more than 75%.

As described in Ir Amim’s November 2017 policy paper,³⁰ much of the Temple activists’ success in increasing the volume of visits stems from a striking change in how the Israeli Police responds to them. Normally, in line with its duty to prevent disturbances at the sensitive site, and against a background of repeated breaches of its guidelines, the Police have imposed various limitations on activists’ entry to the Mount. In 2017, not only were some of these limitations lifted, the Police increasingly operated in direct coordination with Temple activists, leading to a palpable erosion of the status quo liable to provoke a renewal of confrontations.

In March, MKs Yehudah Glick and Shuli Mualem established the Knesset Caucus to strengthen the Jewish connection to the Temple Mount.³¹ At its first session, the Caucus considered the need to promote Temple Mount-related activities in the school system as a strategy for countering the characterization of the Western Wall as the holiest site of the Jewish people. At the second session, Caucus members discussed petitioning the Chief Rabbinate to abolish the religious prohibition against Jews entering the Temple Mount.

In March 2017, Minister of Culture, Miri Regev, and Minister of Jerusalem Affairs, Ze’ev Elkin, announced the establishment of a two million-shekel fund for the purpose of fortifying Jewish heritage on the Temple Mount.³² On several occasions Regev and Elkin, longtime supporters of the Temple movements, have openly endorsed Jewish prayer on the Mount, with Elkin going so far as to argue for an increase in Jewish ascents as a lever for changing the status quo. In December, the Ministry of Culture published a tender for a project manager to oversee a program “to increase awareness of Jewish heritage on the Temple

²⁹ See the interview with Ir Amim researcher, Aviv Tatarsky, [How the world missed a week of Palestinian civil disobedience](#), +972, July 24, 2017.

³⁰ [Increasing Cooperation between the Temple Movements & the Israel Police](#), IR AMIM, November 2017.

³¹ Chezki Baruch, *Don’t Be Afraid to Talk about Building the Temple*, ARUTZ 7, March 15, 2017 [Hebrew].

³² Yuval Karni, *The Mount that is Worth Millions*, YEDIOT AHARONOT, Mar. 12, 2017 [Hebrew].

Mount, with the objective of restoring – in the public consciousness of Israel and throughout the world – the heritage of the Jewish people on the Temple Mount as a foundation stone of our natural and historic right.”³³

IV. POLICING AND SELECTIVE ENFORCEMENT UNDER THE GUISE OF “GOVERNANCE”

During 2017, the Israel Police and the Jerusalem Municipality enhanced their “joint campaigns,” purportedly aimed at neighborhood improvement and enforcement for the benefit of East Jerusalem’s residents and the public space.³⁴ In practice, the campaigns are a means of enforcing collective punishment through mechanisms of the State.³⁵ These enforcement policies are promoted under the guise of “governance” intended to improve the situation in East Jerusalem under Israeli rule. Instead, they serve to validate power and reinforce an authority-subject paradigm. With the same professed benevolent intentions, the government is taking steps to force the Israeli educational curriculum on schools in East Jerusalem³⁶ and to further plans to separate Palestinian neighborhoods from Jerusalem.

In the course of 2017, **at least seven broad enforcement campaigns** were conducted, including the aggressive introduction of large forces into East Jerusalem neighborhoods, building demolitions, house-by-house incursions to collect property tax and assessment debts, erection of roadblocks for vehicular checks and driving prohibitions for minor infractions, large scale business audits by the Tax Authority, mass street ticketing, and methodical mapping and registration of residents. These actions are carried out during nighttime raids, in contravention of established policy and, according to residents, as a punitive response to legal strikes carried out by residents. In tandem with these punishments, the Municipality delivers trash collection and crosswalk maintenance services. The lasting impression for residents is the equation of basic service delivery at the cost of entrenched authority, and infringement of residents’ rights and human dignity.

The campaigns are ostensibly executed for the purpose of law enforcement but the demographic and geographic parameters of this enforcement policy and accompanying declarations reveal selective enforcement in violation of the law. As the Supreme Court has defined it, selective enforcement is “enforcement that impairs equality in the sense that it distinguishes, for the purpose of enforcement, between similar people or between similar

³³ “Tender No. 34/2017 for the provision of information management and coordination services in the field of Jewish heritage on the Temple Mount,” The Ministry of Culture and Sport, Dec. 25, 2017 [Hebrew].

³⁴ Roi Alman, *The Eastern Part of the City: The Police and the Municipality Have Begun a Campaign to Improve the Public Space in the Silwan Neighborhood*, MYNET JERUSALEM, HADASHOT, Dec. 27, 2017 [Hebrew].

³⁵ Nir Hasson, *Barkat was Proud of the Municipality’s Punitive Measures against the Residents of East Jerusalem*, HAARETZ, Political News, Sept. 8, 2016 [Hebrew].

³⁶ Ariel Y. Levine, *Elkin: Rehabilitate Arab Neighborhoods in East Jerusalem*, NEWS1, Nov. 6, 2017 [Hebrew].

situations in order to achieve an illegitimate purpose, or on the basis of an irrelevant consideration or out of pure arbitrariness. A clear example of such selective enforcement is, in general, the decision to enforce a law with respect to one person and not with respect to another, on the basis of considerations of religion, nationality or gender [...].”³⁷ Employing a policy of enhanced enforcement as a deterrent measure against the entire population of East Jerusalem is illegitimate, contravenes the principle of equality before the law and is “destructive to the rule of law, outrageous in terms of justice, and endangers the legal system.”³⁸

V. JERUSALEM: PRESENT HOME AND FUTURE CAPITAL OF TWO PEOPLES

In Jerusalem, more so than anywhere else, Israelis and Palestinians share an urban space and policy decisions regarding the city have immediate ramifications for daily life and the wellbeing and security of all the city’s residents. Attempts in 2017 to unilaterally determine the status of Jerusalem, whether President Trump declaring US recognition of Jerusalem as the capital of Israel or legislation to alter Jerusalem’s boundaries, fail to acknowledge this reality. Such actions deny the bi-national character of Jerusalem and seek to force conditions that will inevitably widen the gaps, escalate the conflict and frustrate a political solution. Secure and stable life in Jerusalem can exist only through recognition of the entirety of attachments of both peoples to the city, when both have the right to live their daily and public lives in an independent, sovereign, and consensual manner.

Even in the vacuum of a political process, those who seek to preserve the possibility of a future settlement must act against the wide variety of strategies being implemented to expand Israeli control and fracture Palestinian Jerusalem. Prevention of Israeli construction beyond the Green Line will not suffice; the unilateral processes Israel is promoting to change Jerusalem’s boundaries and extend its control over and transform the character of the Old City and its environs must be effectively challenged.

Management of the city of Jerusalem toward and in the absence of a political settlement must be firmly rooted in the reality of life in Jerusalem as the home of two peoples and must refrain from any unilateral measures liable to exacerbate tension in the city. Policies must be adopted to strengthen living conditions and the personal security of all residents of the city and to moderate, to whatever extent possible, factors that increase tensions. First and foremost, the living conditions and existential security of the residents of East Jerusalem,

³⁷ HCJ 6396/96, Zakin v. The Mayor of Be’er Sheva IsrSC 53(3) 289, para. 16 of Justice Zamir’s opinion (1999).

³⁸ *Id.*, para. 18 of Justice Zamir’s opinion. *See also*, Justice Cheshin’s opinion in CrimA 3520/91 Turgeman v. The State of Israel, IsrSC 47(1) 441, 453-4 (1993); HCJ 53/96 H. Aloni Enterprises, Ltd. v. Minister of Industry and Trade, IsrSC 52(2) 1, 12 (1998).

both within and outside of the Separation Barrier, must be comprehensively improved. Palestinians must be allowed to develop their lives in the urban sphere, to preserve the integrity of their community and their physical environment, and to conduct their affairs in the city via their own institutions, without fear. Living conditions in West Jerusalem must be strengthened and a positive economic, social and political horizon for dialogue cultivated. Jerusalemites on both sides of the city and their political leaders, with the support of the international community, must be partners in establishing the political future of the city – out of mutual recognition of both groups' deep attachments to the city and an understanding that in any political constellation, two peoples will live in Jerusalem.