

Jerusalem settlements take center stage

Jerusalem / Lara Friedman* - Since Annapolis there have been almost daily reports of new plans or tenders in Jerusalem. Has the number of tenders/plans increased or does it just seem like it?

Since the November 2007 Annapolis conference, Jerusalem has indeed been in the news almost constantly, with announcements of or reports about new plans and tenders for construction in nearly every settlement in East Jerusalem. This constant stream of reports indeed begs the question: are we witnessing a change in policy or is this business as usual?

A comparison of the two and one-half months since Annapolis with prior years confirms that this is not business as usual. The numbers are stark, demonstrating that post-Annapolis, the scope and intensity of Israeli construction in East Jerusalem has increased exponentially in comparison to the past five years.

The following are the numbers for the construction starts of residential units under the auspices of the Israeli government in ALL of Jerusalem (East and West combined) for the years 2002-2005, according to the Jerusalem Statistical Abstract, 2006-2007 of the Jerusalem Institute for Israel Studies (2006 numbers are not available):

2002: 315 units
2003: 365 units
2004: 64 units
2005: 728 units
2006: not available

Since Annapolis, we have seen the issuance of government tenders for several major new projects in East Jerusalem (around 400 units in East Talpiot, 300 in Har Homa, at least 50 in Gilo). While there is a distinction between the commencement of construction and the issuance of tenders by the government, it is also clear that these two are intimately linked.

Looking at the numbers, the trend is clear and stark: in the two and one half months since Annapolis, the scope and intensity of Israeli construction in East Jerusalem has increased exponentially in comparison to the past five years. Indeed, during this period there have been government tenders issued for the construction of more units in East Jerusalem (alone) than were constructed in ALL of Jerusalem in 2005, 11 times as many as in 2004, and twice as many as 2002 and 2003. We have also heard reports from senior Israeli officials that there will be tenders for hundreds if not thousands of additional units, which are not part of the above analysis.

To what extent do the reports of new settlement schemes mean that new settlement construction will actually take place in Jerusalem?

Not every report is equal, and not every report requires the same level of concern or type of response. Bearing this in mind, there are some basic criteria for analyzing and assessing reports of new plans:

Has the report been verified? Many of the reports are little more than a glimmer in the eye of a mid-level Israeli bureaucrat. It is important to assess whether there is any official basis for the report and whether the source is credible.

Is this new information? Much of what is coming out in the press is actually old news, dredged up for political reasons or reported by someone who is unaware that it is not new. Something should be considered new when it reflects steps that have been taken (e.g., the deposit for review of a town plan), or are about to be taken (e.g., solid information of the upcoming issuance of new tenders) that will make the implementation of a construction scheme closer to reality than it was prior to the announcement.

Is the plan implementable? Much of what is being presented by the interested parties is pie in the sky - plans that may be the dream of some official, but are highly unlikely to ever be implemented on the ground in the immediate- or mid-term.

Is the plan significant? It is important to assess whether the announced scheme, if implemented, represents a clear and present danger in terms of the creation of facts on the ground that are detrimental to either the process or a two state solution. Many schemes do represent such a threat; some do not.

What is the impact of the announcement itself? It is important to keep in mind that the announcement of plans for settlement activity in Jerusalem, even if those plans are not verified, not new, not implementable, and/or not significant, has an impact. Perceived threats, even if remote, are often just as detrimental to the peace process as concrete threats.

Is the plan stoppable? Some of the schemes under discussion are so well-advanced that they cannot be stopped at any reasonable political cost. Some are beyond the powers of government authorities (e.g., projects that are firmly rooted in the private sector and which are carried out in a manner consistent with Israeli law). Most, however, are clearly stoppable by the government, using its legal authority, keeping in mind that this may encounter obstinate opposition from elements within the bureaucracy. In brief, there are two places where such plans are most easily stopped. First, there is an opportunity in the planning stage, where there is a dominance of governmental authority regarding what may or may not be done in any given area (in terms of required permits, licenses, etc), including the very basic decision over whether it is legal to establish a settlement or to build in an existing settlement. At this stage, a governmental decision can be decisive, and early intervention is vital. Second, there is an opportunity in the post-planning stage. Even if a certain scheme is deemed legally possible, it does not necessarily follow that it should or must be implemented.

Rather, the reversibility or irreversibility of a given scheme is often determined by the involvement of third party rights (e.g., contractors, buyers). The existence of a Town Plan that allows the construction of a neighborhood/settlement is problematic but not fatal. Issuing tenders and signing contracts with building contractors make a given scheme exponentially more difficult to stop.

What is Prime Minister Olmert's position regarding Jerusalem settlement construction?

This is the big question: has Prime Minister Olmert frozen settlement construction in East Jerusalem? The settlers and his political opponents claim with outrage that he has. Olmert and

members of his government vehemently deny it. And nearly every day there is news of plans for new construction in Jerusalem settlements. What can we conclude?

First, Olmert perceives himself to be in a no-win situation. The U.S. and the entire world oppose settlement construction, including in Jerusalem, but if he seems to be caving to their pressure, the right-wing will explode in outrage and Shas may make good on its threats to leave the coalition. If he refuses to step in and stop the apparently never-ending stream of provocative plans for new Jerusalem construction, he risks further rebukes from the U.S. and the international community, and deals one more blow to the fragile Israeli-Palestinian peace process.

Second, advocates of settlement construction in Jerusalem, including Jerusalem municipality officials, right-wing politicians, and even members of Olmert's own Cabinet (like Housing Minister Boim, who is on the record strongly supporting settlement construction in East Jerusalem) will not hesitate to try to force Olmert's hand on the issue. Provocative public statements accusing Olmert of stopping construction, met with provocative public statements asserting that construction has not been and will not be halted, have become routine.

Third, the Jerusalem issue is so potent a political tool that it is being used today by the far-right against even the right. In the latest twist, during the past week a very public spat has broken out between Housing Minister Boim and Jerusalem city manager Yair Ma'ayan. Ma'ayan is an ally of far-right wing MK Avigdor Lieberman, who recently pulled his Yisrael Beiteinu party out of Olmert's coalition. Ma'ayan is claiming that the Olmert government is blocking East Jerusalem construction; Boim has rejected these claims, and has in turn accused Ma'ayan of manipulating the issue to improve his position in upcoming Jerusalem elections. Ma'ayan, in turn, has stuck to his guns, positioning himself in a win-win situation (if construction in East Jerusalem goes forward, Ma'ayan will claim victory and reap political benefits; if construction does not go forward, Ma'ayan will claim vindication of his original claims, positioning himself as the champion of greater Jerusalem, and reap political benefits).

So what is a prime minister to do? Frankly, it is still not clear which path Olmert has chosen. There can be little question that Olmert either does not want or does not believe that he can afford to take a hard line publicly on the issue, despite international pressure and his avowed commitment to the peace process. At the same time, we still don't know what this means or will mean on the ground in terms of land cleared and new settlement units constructed. It is also not clear to what extent Olmert is, or is not, in the loop regarding all of these new settlement projects. It is entirely plausible that at least in the immediate aftermath of Annapolis, Olmert was not aware of some of the plans for new tenders. However, since the political debacle the announcement of those plans created, it has been reported that Olmert has demanded that all plans for construction in all settlements be approved by him, directly. What is not clear is to what extent this requirement applies to Jerusalem. When pressed on the issue by Jerusalem settlement advocates, government officials have clarified that Olmert just wants to be informed about Jerusalem settlement, and that this is not an effort to block such projects (Ha'aretz reported this week that in response to accusations that the Prime Minister's office was blocking projects, "the Prime Minister's Office said that construction in East Jerusalem has not been frozen, but because of its diplomatic sensitivity, Olmert has asked to be informed of all building plans there, so that he will not be taken by surprise."). With respect to what all of this will mean on the ground, only time will tell. Vigilance on the part of all who care about Israel and the

peace process is vital. Quiet, early, and pointed inquiries, statements of concern, and behind-the-scenes demarches have the potential to stop a problem before it starts.

Is there any particular rhyme or reason to the settlement plans under discussion?

A clear trend that has emerged since the Annapolis conference last November is that of trying to "thicken" the settlements located on Jerusalem's periphery. The goal, it would appear, is to make sure that Jerusalem can never be "divided" along any lines - welding even the outermost areas to Israel with settlement construction. If one plots on a map the various plans that have thus far emerged (and are still emerging), one has the sense that settler advocates in various Israeli ministries and the Jerusalem municipality are playing a calculated and politically-motivated game of "fill-in-the-blanks" - looking for all possible opportunities for new construction in empty areas in or adjacent to existing settlements.

In addition, there have been repeated comments that with E1 off the agenda for political reasons (E1 being the very controversial plan for a massive new settlement northeast of Jerusalem, adjacent to Ma'ale Adumim) and the Safdie plan effectively dead (this was a plan to expand Jerusalem to the west; it was vigorously opposed by Israeli environmentalists), city planners have no choice but to look for expansion opportunities inside existing neighborhoods, including in East Jerusalem, in order to accommodate natural growth of the city's population. However, the numbers discussed in the first section, above, would seem to de-bunk the argument that the sharp jump in efforts to initiate expansion of housing over the past two and one half months is somehow "natural" in Jerusalem.

What are the main Jerusalem plans on the agenda right now, and how serious are they?

First, it should be noted that on February 12th Ha'aretz reported on Israeli government plans for 350 new apartments in the East Jerusalem settlement of Har Homa and 750 new apartments in the East Jerusalem settlement of Pisgat Zeev. The article also said that Jerusalem city manager Yair Ma'ayan told the newspaper that the municipality is moving forward with plans to build some 10,000 apartments in Jewish neighborhoods of East Jerusalem, and named specific settlements where construction was planned (these are indicated below). Authoritative government sources, including Minister of Housing Boim, have confirmed that tenders are forthcoming, with the current delay reflecting only some technicalities. While they have not yet been issued and we don't know precisely when they will be issued, these are clearly significant developments and far more stoppable today than they may be in the coming weeks and months.

Starting in the north and working clockwise around the city, the projects that have been mentioned thus far are described below.

Ramot: In the Feb. 12th report in Ha'aretz, Jerusalem city manager Ma'ayan indicated that the municipality was planning to move forward with construction in Ramot. Ma'ayan's comment with respect to this settlement, is largely, but not only, a declaration of intent. On January 28, 2008, a Town Planning scheme was deposited for public review (TPS 6885). This scheme entails the construction of approximately 1300 residential units in Ramot (which straddles the Green Line). Most of the new construction is planned for inside the Green Line. However, 105 of these units would be built beyond the Green Line, filling the gap between the existing neighborhood/settlement

of Ramot and the West Bank village of Beit Iksa. This plan is expected to encounter fierce opposition from environmentalists in Israel.

Atarot: One bright spot in recent Jerusalem news is the apparent cancellation (for the time being) of plans for a new settlement in Atarot, in the northern part of East Jerusalem. Outcry over the scheme, which was announced shortly after the issuance of tenders for new construction in the East Jerusalem settlement of Har Homa (immediately after the November 2007 Annapolis Conference), was apparently sufficient to cause the Israeli government to re-think its plans, at least in this one area. While Israeli authorities sought to defend the Atarot plan by arguing that the project might not necessarily be intended as new Jewish housing, but might instead be for Palestinians, that argument was far from credible. It should be noted that a construction scheme for this same location surfaced in February 2007, sparking similar controversy. At that time, elements in the Housing Ministry were pushing a plan to construct a new, massive settlement in Atarot for ultra-Orthodox Jews; the scheme included a proposal to link the settlement by tunnel to a settlement located in the West Bank, on the opposite side of the security barrier. Then, as now, the decision to shelve the plan came at a very low political cost for the government of Israel (though the cost would have been even lower if responsible parties within the government had worked behind the scenes to keep the plan from progressing as far as it did). While this is indeed a victory, this is clearly a scheme that enjoys significant backing from within the Israeli government and the professional civil service bureaucracy. As such, it seems likely that one day it will again be dusted off and an effort made to implement it. So this area bears watching.

Rekhes Shufat, aka Ramat Shlomo: In the Feb. 12th report in Ha'aretz, Jerusalem city manager Ma'ayan indicated that the municipality was also planning to move forward with construction in Ramat Shlomo/Rekhes Shufat. On 1/23/08 the Jerusalem Post reported on construction taking place in the settlement of Rekhes Shufat to build a new elementary school for girls in a previously empty area on the northeast side of the settlement (i.e., in the area between the current built-up area of the settlement and the Palestinian neighborhood of Shufat). The Jerusalem Post's story focused not on the fact that this is expansion of the settlement, but instead on the fact that the construction it taking place on recently-uncovered archeological remains (of a Second Temple period quarry, possibly without proper consultation with the Antiquities Authority).

Neve Ya'akov: In the Feb. 12th report in Ha'aretz, Jerusalem city manager Ma'ayan indicated that the municipality was also planning to move forward with construction in Neve Ya'akov. However, to the best of our knowledge, the most imminent expansion of Neve Ya'akov is not inside East Jerusalem but into the West Bank, i.e., a scheme to link Neve Ya'akov to Adam/Geva Binyamin. We are not aware of any new developments regarding this scheme, but it is worth reviewing its elements here: the plan is called Specific Plan 240/3. It surfaced in March 2007, but appeared to have been shelved shortly thereafter. At last report the plan envisioned construction of a new neighborhood of 1200 units (i.e., housing for 5000+ people), to be home to a new community of ultra-Orthodox Jews. It envisioned a wholly unprecedented arrangement, in which the isolated West Bank settlement of Adam (aka Geva Binyamin) - home to around 2500 residents and located northeast of Jerusalem about 6.5 km (around 4 miles) from the Green Line/1650 meters (about one mile) from the municipal boundaries of Jerusalem - would be expanded into Jerusalem. This would be possible because the route of the security barrier in this location has been gerrymandered to include part of the West Bank - including part of the municipal area of Adam - on the Israeli side of the barrier. Under the plan, the construction would take place in this area - meaning that if the

project were implemented, the settlement of Adam would actually straddle the security barrier. In this manner, the planned construction would give the settlement of Adam a "foothold" inside Jerusalem. This is clearly the intention of the plan, with the new neighborhood of Adam linking up with the existing ultra-Orthodox neighborhood at the northern edge of Neve Ya'acov, and becoming, in effect, "Neve Ya'acov East." If implemented, this project would clearly threaten the viability of the two-state solution to the Israeli-Palestinian conflict, cementing a contiguous Israeli civilian, residential presence on Jerusalem's northeastern periphery and disrupting the natural contiguity between Palestinian areas of Jerusalem and the city's West Bank hinterland, and undermining the geographic integrity of the region and indeed of the Palestinian state.

Pisgat Ze'ev: In the Feb. 12th report in Ha'aretz, Jerusalem city manager Ma'ayan indicated that the municipality was also planning to move forward with construction in Pisgat Ze'ev. We are not aware of any imminent or pending plans for the construction of thousands of residential units in this neighborhood. Nonetheless, the intention to issue tenders for the construction of 750 units in this neighborhood, announced publicly by Minister Boim on February 12th, is a serious intention that we will be watching closely.

Ma'ale Adumim and the Ma'ale Adumim "Salient": At the end of December 2007 Peace Now revealed that the 2008 budget includes NIS 49 million for the construction of 250 new homes in Ma'ale Adumim. In addition, on December 27th a notice appeared in Ha'aretz (Hebrew edition) announcing the deposit for public review of the central segment of the Jerusalem "Ring Road" - the segment extending from Abu Dis down to Sur Bahir (the northern and southern segments of the road have already been approved). With the separation barrier already effectively severing East Jerusalem and its more than 250 thousand Palestinian residents from the West Bank, and with north-south traffic through the West Bank diverted around Jerusalem completely (as part of an effort to allow Israel to in effect annex Ma'ale Adumim and a huge area of land around it, including E1), the ring road will serve only to connect the neighborhoods of Palestinian East Jerusalem and expedite movement between the Israeli settlement blocks in the north and south of the city. In addition, the route of the central segment of the Ring Road, as deposited for public review, cuts through some of the very Palestinian neighborhoods that in all likelihood will eventually be handed over to Palestinian control. While perhaps less ominous than settlement expansion, the unilateral construction of such strategic infrastructure - infrastructure that will do much to determine the link, or lack thereof, between East Jerusalem and the West Bank - is hardly a positive contribution to conflict-resolution.

East Talpiot: At the end of December 2007 Israel published tenders for construction of 400 new units in East Talpiot. The construction would establish Israeli housing only footsteps from the Palestinian neighborhoods of Sur Baher and Jabal Mukaber. Such construction will make any future separation between these Israeli and Palestinian neighborhoods more difficult. This is in all likelihood one of the goals of the project. Moreover, the planned construction in East Talpiot would abut, on the west, the location of the new U.S. Consulate building (which straddles East and West Jerusalem), making this an issue of probable concern for the U.S. government, and making it appear all the more that the issuance of these tenders, on the eve of President Bush's first official visit to Jerusalem was intended as a finger in the eye of the U.S. administration. In addition, in the Feb. 12th report in Ha'aretz, Jerusalem city manager Ma'ayan indicated that the municipality was also planning to move forward with construction in East Talpiot. Clearly, the construction of thousands of additional units in East Talpiot is a remote possibility (based on the fact that there simply is no

space to put them). However, the plan to construct an additional 400 units in East Talpiot is real, verified, new, and significant; implementation of the plan is imminent; and the plan is eminently stoppable at this point.

Nof Zion: Construction at the privately-funded settlement of Nof Zion, in the heart of the Palestinian neighborhood of Jabal Mukabber, is progressing quickly. The first 100 of these planned 400 units are close to completion, ready for occupancy. This plan is significant but not stoppable, being entirely private sector-driven and technically legal.

Har Homa: As was widely reported in the international media, on December 4th, barely two weeks after Israelis and Palestinians met in Annapolis and recommitted to peace negotiations, Israel issued tenders for the construction of 307 new homes in the East Jerusalem settlement of Har Homa, sparking a huge international outcry and controversy inside Israel. Also, at the end of December 2007 it was revealed that the 2008 budget includes NIS 50 million for the construction of 500 apartments in Har Homa. In the Feb. 12th report in Ha'aretz, Jerusalem city manager Ma'ayan indicated that the municipality was also planning to move forward with construction in Har Homa, an assertion that is consistent with these tenders and the budget. The most significant development regarding Har Homa is the anticipated deposit of the Har Homa C plan for public review. This plan entails the approval of 975 residential units to the south and east of the current construction line in Har Homa. The plan was approved by the Jerusalem Municipality in January 2007, perhaps not coincidentally around the same time that Secretary Rice visited Israel. Sources indicate that the Ministry of Housing is expediting this plan within the regional planning committee. Whether the plan will be deposited for public review will be a very clear litmus test of Prime Minister Olmert's determination to curb Israeli construction in East Jerusalem.

Givat Hamatos: In the Feb. 12th report in Ha'aretz, Jerusalem city manager Ma'ayan indicated that the municipality was also planning to move forward with construction in Givat Hamatos. He went on to explain that "the largest of these calls for building some 4,000 apartments in Givat Hamatos, in the city's southern section. That plan is currently being discussed by the regional planning and building committee." The Givat Hamatos site is indeed a very enticing piece of real estate for developers, being centrally located and undeveloped. However, the patterns of ownership at this site - a mixture of Israeli, Palestinian, and church property - are so complex that it is highly unlikely that any plans will be implementable in the short- and mid-term.

Gilo: In the Feb. 12th report in Ha'aretz, Jerusalem city manager Ma'ayan indicated that the municipality was also planning to move forward with construction in Gilo. This should not surprise anyone, since at the end of December 2007, Israel published tenders for new construction in Gilo (the tenders were for construction projects, without designating a specific number of units). This construction would in effect "weld" the large Palestinian neighborhoods of Beit Safafa and Sharafat to Gilo. These Palestinian neighborhoods already constitute - for reasons of inadvertent geography - one of the most challenging obstacles to a political division of the city. This "minor" scheme only complicates matters. Awarding of these tenders (something which has not yet happened) will make stopping this plan incrementally more difficult. In addition, there are a number of private sector development projects underway in Gilo.

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