

GENERAL INFORMATION

Historical background: Before the war of 1948, some 1,600 people lived in the village of Al Walaja. All of them were displaced by the war and ended up in the refugee camps of Shu'fat (Jerusalem) and Dheisheh (Bethlehem), others moved to Jordan and Lebanon. Some villagers owned agricultural land on the Jordanian side of the Green Line. About 100 of them settled in this area, which became the *new* Al Walaja. New Al Walaja is 2km from the original village (15-30 minute walk), on the other side of the same *wadi*.

Population²: 2,040 individuals, nearly all registered refugees. The existing population is estimated to represent 5-10% of those who fled in 1948 and their offspring.

Area³: Some 70 per cent of the original 17,793 dunams (du) of village lands were lost in 1948. In the 1950s, two Israeli towns, Ora and Aminadav, were established on this land. Following the 1967 war, nearly half of the remaining land was annexed by Israel and placed under the Jerusalem Municipality. In the 1970s, 123 du were confiscated for the construction of the settlements of Gilo and Har Gilo. Al Walaja now consists of 4,400 du: half the village is located within the Jerusalem Municipality and the rest in the West Bank (Area C)⁵.

Institutions: Local Village Council, two mosques, one Kindergarten, and four community based centers for women, children, youth and agriculture.

Access: Located nine kilometers southwest of the Old City of Jerusalem and four kilometers northwest of Bethlehem, the village borders to the Palestinian villages of Battir and Hussan and is adjacent to the Jerusalem neighbourhoods of Malcha and Ir Ganim, and Gilo settlement. The village is connected to the road to Beit Jala and Bethlehem. The main road goes through Beit Jala check-point which is currently unmanned. A secondary road passes through Cremisan Monastery.

SOCIO-ECONOMIC CONDITION

Unemployment: According to the Village Council, there is currently 40 per cent unemployment⁶.

Agriculture and livestock: The main source of income is agriculture: grape, olive and fig trees. Recently, people started to cultivate in greenhouses. There are 300 sheep and goats, 4,000 egg-laying chickens for household consumption and 100 beehives.

Other economic activities: Six groceries, Billiards hall, two small blacksmiths, one small carpentry shop, and water tanks factory. Prior to the restrictive measures put in place following the second *Intifada*, the main source of income for residents was construction work in Israel. This is no longer possible, except for a small minority of working permit holders (approx. 60 persons).

UNRWA ASSISTANCE

- **Al-Walaja Co-ed School:** there are 319 students (grades 1-9) and 13 teachers, the school was built in 2007 to replace the rented premises that were hosting the school. After grade nine, students attend Beit Jala (girls) and Bethlehem (boys) PA schools.
- Residents are served by the **Bethlehem city and Deheisheh camp UNRWA health centers**, reachable by bus in 15-20 minutes. There are no PA health facilities in town. The nearest hospital is in Beit Jala.
- **Credit services:** through the Microfinance Department Bethlehem branch, 100 loans valued \$180,650 were disbursed since 2006. Loans have helped financing micro-enterprises - such as livestock raising, grocery stores, taxis, and an internet café - in addition to consumer loans there is support for families to pay for home maintenance, education fees and weddings. Lately, the department has introduced the Women household credit product in the village targeting female household with income generating activities: one housing loan (valued \$14,000) has been granted for the construction of a new house.
- **Job Creation Programme:** 26 individuals/month are employed in construction or rehabilitation works of roads and walls, or maintenance of the school and other community facilities (kindergarten, public garden etc). The main project currently is the construction of a new road (in Rweisat neighbourhood). In July 2011, the stonewalls and the road connecting the village with the historic site of Al Zaitonah where the oldest olive tree in Palestine grows, were destroyed by Israeli bulldozers leveling land for the construction of the Barrier.
- **Emergency Food Assistance:** 98 families (600 individuals) assisted in the July 2011 distribution.
- **Special Hardship Cases:** 40 families (30 families in 2010).
- **Operations Support:** monitoring of the humanitarian situation; inspection of the UNRWA school; advocacy and mobilization of international stakeholders (diplomats, donors, etc) and media.



PUBLIC SERVICES

The Jerusalem Municipality does not supply the “Jerusalem” side of the village with any municipal services. All the services below are provided by the Palestinian Authority.

Water supply: PA Water Authority, network built in 1982. The village suffers from lack of water, especially in the summer, as water is only pumped into the main line two-days/week and pressure is often too low to reach all houses. A large amount of water is lost due to leakages in the network. Households purchase tanked water (50NIS/2m³). The village accumulated a water debt of 60,000 NIS.

Electricity and telephone: Jerusalem District Electricity Co., network built in 1982. Power supply is weak and is reported to damage the electronic devices. Several letters of complaint have been submitted to the supplier. The 120 phone lines are provided by Pal-Tel. Co.

Solid waste and sewage: Solid waste is collected by Bethlehem Council for solid waste services. Households contribute to the service (23NIS/month). There is no sewage network (they is a pending project proposal to the World Bank for establishing one; cesspits are used and waste is collected by a private vehicle (150NIS/trip).

Roads: Eight km of unlit paved roads, four of which in poor condition; six km of unpaved are agricultural roads.

Main needs: Rehabilitation of the water network, upgrade of the electricity network, construction of sewage network, streets lightening project, health center, hall, and public park.

LEGAL BACKGROUND

House demolitions: The **Fourth Geneva Convention (1949)** prohibits any destruction by the occupying power of private property “except where such destruction is rendered absolutely necessary by military operations” (**art. 53**). Demolitions in Al Walaja do not satisfy this factual test, there being no military operations ongoing in the village. In cases where demolitions are “not justified by military necessity” and are carried out “extensively”, “unlawfully” and “wantonly”, they may amount to war crimes (**art. 147**). Home demolitions also violate a number of fundamental provisions of international human rights law, including the right not to be arbitrarily deprived of one’s property and not be subjected to arbitrary interference with one’s privacy, family and home; the right to an adequate standard of living and the right to equal protection of law without discrimination (**Universal Declaration of Human Rights arts. 7 and 12; International Covenant on Civil and Political Rights, arts. 12, 17 and 26**).

LEGAL BACKGROUND (Cont.)

Building permit regime: Although the occupying power has the duty to “ensure public order and safety” within the occupied territory, such duty is to be performed “whilst respecting (...) the laws in force in the country” (1907 Hague Convention, art. 43). Any building permit regime would need to satisfy this requirement, whilst being consistent with the occupying power’s obligation to administer the territory in the interests of the occupied population. The withholding of building permits in Al-Walaja violates these basic principles.

Settlements: The **Fourth Geneva Convention** prohibits the occupying power from transferring “parts of its own civilian population into the territory it occupies” (art. 49). As such, all settlements in the West Bank are illegal including those built upon al-Walaja lands.

Jerusalem: **UN Security Council Resolution 478 (1980)** provides that “all (...) measures and actions taken (...) which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular, the recent “basic law” on Jerusalem are null and void and must be rescinded forthwith”. The UN categorically rejects any assertion of Israeli sovereignty in East Jerusalem, and considers the city to be an integral part of the oPt. The **2004 Advisory Opinion of the International Court of Justice** reaffirmed the positions of both the UN General Assembly and Security Council on the status of Jerusalem, finding that “the route chosen for the wall gives expression in loco to the illegal measures taken by Israel with regard to Jerusalem and the settlements” in the oPt.

MAIN THREATS TO AL WALAJA

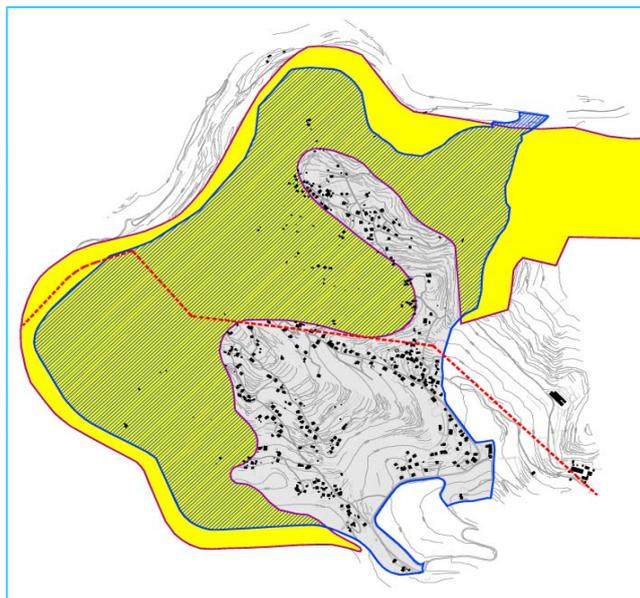
The greatest threat to Al Walaja residents is the **risk of a second forced displacement** as a result of house demolitions related to the **uncertain status of residency and housing rights in Jerusalem**, of the **construction of the West Bank Barrier** and of **Givat Yael settlement**. As explained below, at this stage the situation of Al Walaja residents remains unclear.

West Bank Barrier The original route of the Barrier would have split Al Walaja into two. However, the community appealed to the Israeli Court and in October 2004 won their petition that the village remain intact. The new route threatened to separate farmers from their agricultural land which would be reachable only through agricultural gates. In April 2006, the Israeli Authorities confirmed the plan to **encircle Al Walaja with the Barrier — making it a Palestinian enclave inside Gush Etzion, connected to Beit Jala and Bethlehem through a tunnel** - and physically isolating another 1,600 du of Al Walaja land.

After several years of inactivity, **construction work resumed in April 2010 and continues to date**. Bulldozers and trucks have begun to flatten plots of lands belonging to Al Walaja. On April 22nd more than 200 trees (almond, olive, apricot, grape) were uprooted or damaged, depriving four families of an important source of income and, in some cases, cutting them off from their fields that will soon be on the other side of the Barrier. The Civil Administration is systematically that agricultural gates will be operated for farmers in the future. However, in other West Bank locations the agricultural gate system has severely limited access to land.

Denied Residency and Housing Rights by the Jerusalem Municipality Following the 1967 war, Israel **expanded the boundaries of the Jerusalem Municipality** to include almost 50 per cent of what remained of Al Walaja lands. However, the population residing in the annexed area was not granted residency rights. In 1985, **the Jerusalem Municipality took control over the Jerusalem side of the village**. Demolition orders for houses built without permit began to be issued and two homes were demolished. At this point, the residents—who until that time were not aware that they were living inside the Jerusalem boundaries—formed a Residents’ Committee to defend their land.

The Municipality has always refused to “zone” this area and to consequently issue building permits. Residents who build in spite of the prohibition have been fined and jailed⁸. Between 1985 and 2005, **45 houses were demolished, while another 52 have pending demolition orders**⁹. Over 100 people have already been made homeless by house demolitions and more than 30 found shelter in **Dheisheh** camp. In March 2010, after years of relative calm, new demolition orders were handed over to two families.



The map shows how the Jerusalem Municipality Boundary (red dotted line) and the projection of Givat Yael settlement (in yellow) incorporate Al Walaja land (source: ICAHD).

In June 2006, residents appealed against house demolitions on the grounds that they have no possibility to build legally as the Municipality has not elaborated a master plan for the area. As a result, Israeli Courts suspended the demolition orders. The village submitted a master plan in 2008. This was rejected in 2009 and **at this stage, demolition orders could be implemented again**.

Over the years, **many Jerusalem side residents have been detained for “illegally” residing in their houses as they do not have Jerusalem IDs**; for instance, in 2004 more than 80 men were so detained¹⁰. In 1989 and 2003 residents of the Jerusalem side appealed to the Israeli authorities to be included as part of the West Bank; the negative response received in 2003 underlined the fact that the Israeli Government considers the area to belong to Jerusalem.

Givat Yael settlement In 2004, private investors announced plans to build a new settlement known as Givat Yael. According to the plans -leaked in 2009- the settlement will expropriate 60% of the remaining Al Walaja lands to build some 14,000 housing units. Construction would include built up areas and deprive the village of almost all of its agricultural land, as shown in the map above. Moreover, **the settlement would further squeeze the village between settlement areas and cut it completely from any West Bank access, making it unsustainable for the inhabitants to stay in the village**. The plan is at odds with the construction of the Barrier, and at this stage it seems that the settlement’s construction is gaining more support as it would lead to the final connection between Jerusalem and Gush Etzion.

MILESTONES OF AL WALAJA

- 1948-54** Old Al Walaja is attacked by Israeli forces on several occasions and destroyed. Some residents flee to their agricultural lands on the West Bank side of the Green Line (under Jordanian rule), others to Jerusalem, Bethlehem or abroad.
- 1967-85** Israel occupies the West Bank and the boundaries of the Jerusalem Municipality are extended to include 50% of Al Walaja lands. Nonetheless, Al Walaja is still administered by the Israeli Civil Administration for the West Bank and villagers are not given the status of Jerusalem residents and consequently declared 'Absentee Landlords'.
- 1970s** More than 120 dunums are confiscated for the construction of Gilo and Har Gilo settlements, and the by-pass road.
- 1985** Jerusalem Municipality imposes its jurisdiction on the area of Al Walaja located inside Jerusalem boundaries, while the rest of the village remains under the Civil Administration. For the first time, the Municipality demolishes two homes on the Jerusalem side for being built without a permit. The Jerusalem Municipality refuses to elaborate a zoning plan which would establish a system allowing residents to officially submit requests for building permits.
- 1985–2006** 45 houses demolished (30 within the Jerusalem municipal area, and 15 in the West Bank), while another 45 pending demolition orders are concentrated on the Jerusalem side.
- 1989** Residents of the Jerusalem side appeal to the Israeli authorities to be included as part of the West Bank. This appeal is made again in 2003. The response they receive is that the area belongs to the Jerusalem Municipality.
- 1991-1996** Fines are issued for constructions without building permit. Residents are arrested until fines are paid.
- 2004** More than 80 residents are arrested for being illegal in Israel, while simply staying in their houses in the Jerusalem side of the village.
- 2004** Official announcement by the Government of Israel about the construction of the new Givat Yael settlement.
- Aug 2006** The Israeli Court agrees to delay demolitions for three years in order to give the community the time to work with the Jerusalem Municipality to elaborate a zoning plan.
- 2006-2009** The community form a committee to work with lawyers, architects and with the Jerusalem municipality to develop the zoning plan. The master plan was firstly refused by the Municipality and was then submitted to the Regional Council.
- Sept 2009** The moratorium on house destructions in Al Walaja ends and the houses with pending demolition orders are again under threat. No master plan has been approved, but no formal and definitive rejection has been issued so far.
- Oct 2009** Givat Yael settlement plans are leaked: a 14,000 housing unit settlement to be built by a private investor. According to the plans, it will expropriate 60 per cent of Al Walaja lands.
- April 2010** Barrier construction resumes and has been continuing without interruption.
- May 2011** Seven administrative demolition orders are handed over to Al Walaja residents

Footnotes:

¹ Information gathered from UNRWA social workers and Village Local Council, figures should be considered estimates unless otherwise specified.

² PCBS 2007 Census, population after the Post Enumeration Survey.

³ 1 dunum = 1,000m².

⁴ Absentee Property Law (1950) gives the Custodian of Absentee Property the right to seize, administer and control land owned by persons defined as "absentees" with no possibility of appeal or compensation. An "absentee" is a person who at any time in the period between 29 Nov. 1947-1 Sept. 1948 was anywhere outside the territory of Israel. i.e. the West Bank, the Gaza Strip



Pre 1948 structure on agricultural land

or in any other Arab state. Over the years, lands confiscated in this manner have been made available for Jewish-only settlements. In 1967, this Law was applied to East Jerusalem, but the status of Absenteeism would not apply to East Jerusalem residents. West Bank ID holders such as Al Walaja residents are considered a 'grey area', they continue to be prohibited by law to register land they own in Jerusalem.

⁵ The village is composed of five neighbourhoods: Khalet Al Howar and Ein Jweizeh inside the Jerusalem Municipality; and Khalet Samac, Saraj and Daher which are located in the West Bank and are Area C (with the exception of a small portion of Khalet Samac which is Area B).

⁶ Village Council estimate, does not necessary match international definitions of unemployment

□ Jerusalem Municipality boundaries before 1967 covered an area of 6.5 km²: following the 1967 annexation, the area grew to 71 km². Under IHL this act of annexation is invalid and all the formerly Jordanian administered land annexed into the expanded Jerusalem Municipality is considered occupied territory, as the rest of the West Bank or East Jerusalem. On 27 June 1967, the Israeli Government passed the *Law and Administration Ordinance (Amendment no. 11) Law* which provided for the extension of its law, jurisdiction and administration to newly captured East Jerusalem.

⁸ In Israel, not paying fines is considered as a criminal offence. In 1991, Israeli authorities assessed penalties against residents based on square meter (ranging between 8,000-100,000NIS). If a monthly payment is missed, then the entire penalty becomes due. Paying fines does not prevent the demolition of the houses, at least two landowners who had paid the penalty in full had their houses demolished. Residents of the West Bank side have not faced detention and are less affected by house demolitions.

⁹ In the period 1948-1967 there were approx. 20-30 inhabited structures on the lands Israel considers Jerusalem Municipality. These structures consisted mainly on one room mud-and-wood houses and caves. This poor type of housing was widespread in frontier villages as a temporary solution. It was gradually replaced (without Israeli permits) by more permanent structures after 1967, when refugees economic conditions improved. This piece of information may be relevant to understand how the Israeli claim that no or few houses, were found in the area after occupying it in 1967.

¹⁰ Some were detained for a few days others for as long as 25 days. This practice was abandoned by the authorities after some months and after the Israeli High Court ended on the long term detention of West Bank ID holders being found illegally in Israel, but allowed shorter detentions.