



mini profile: al walaja

bethlehem governorate

Population: 2,400 individuals (nearly all registered refugees)

The existing population is estimated to represent 5-10% of those who fled in 1948 and their offspring

Background Summary of loss in Al Walaja

- 1948** 75 per cent of the village's original 17,793 dunums (du) of land is lost in 1948.¹
- 1967** Israel occupies the West Bank, including East Jerusalem. Nearly half of the remaining land of Al Walaja is included within the territory that is purportedly annexed by Israel & incorporated into Israel's unilaterally declared Jerusalem Municipality area, in contravention of international law.²
- 1970s** 123 du of Al Walaja's land is confiscated for the construction of the settlements of Gilo and Har Gilo.
- 2006** Israeli authorities confirm plans to build the West Bank Barrier around Al Walaja. Al Walaja now consists of approximately 4,400 du, of which 30 per cent is or will be situated on the 'Israeli' side of the Barrier.
- 2012** Israeli authorities approve the construction of 797 new housing units in Gilo settlement, to be built on Al Walaja's land on the 'Israeli' side of the Barrier.
- 2013** Israeli authorities approve plans to designate most of the village's remaining land as an Israeli national park.

Background

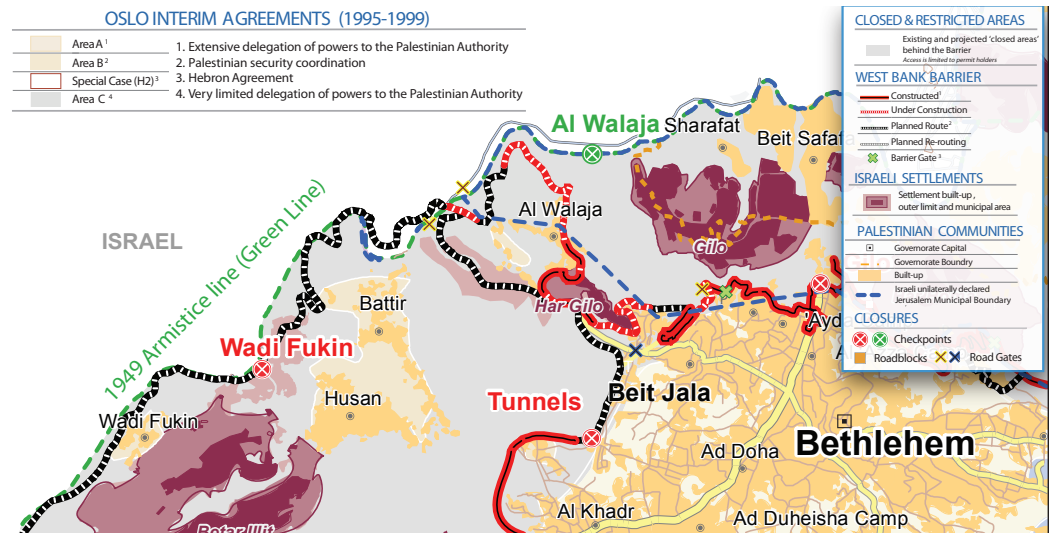
Al Walaja is a Palestinian village located nine kilometres southwest of the Old City of Jerusalem and four kilometres northwest of Bethlehem. It is one of seven Palestinian villages in the western Bethlehem Governorate threatened with isolation from the rest of the West Bank by the Barrier. All of its original 1,600 inhabitants were displaced as a result of the first Arab-Israeli War, in 1948. Some settled in the refugee camps of Shu'fat (Jerusalem) and Dheisheh (Bethlehem), while others moved to Jordan and Lebanon. Approximately 100 settled on the West Bank side of the 1949 Armistice Line (Green Line), where some villagers owned agricultural land. This location, approximately two kilometres from the original village, became the site of the 'new' Al Walaja.

Access

Al Walaja borders the Palestinian villages of Battir and Hussan and is adjacent to the Jerusalem neighbourhoods of Malcha and Ir Ganim, as well as the West Bank settlements of Gilo and Har Gilo. The village is connected to its surroundings by a single road that leads to Beit Jala and Bethlehem. A secondary road, which passes through the Cremisan Monastery, was closed to vehicular access by the Israeli authorities in May 2013, forcing 37 children to take an alternate route to school; what was a two-kilometre journey has become nearly seven kilometres.

¹ 1 dunum = 1,000m².

² Prior to the Israeli occupation of the West Bank, including East Jerusalem, the Jerusalem municipal area covered an area of 6.5 km². Following the hostilities of 1967, Israel purported to annex certain parts of the West Bank, including East Jerusalem, and unilaterally expanded the Jerusalem municipal boundary to cover 71 km². Israel's purported annexation contravenes international law and is not recognized by the United Nations, which considers East Jerusalem an integral part of the Occupied Palestinian Territory and has determined that all legislative and administrative measures and actions taken by Israel which have altered or purport to alter the character and status of the City are null and void and must be rescinded forthwith (see UN Security Council Resolutions 252, 267, 476 and 478).



West Bank Barrier

The construction of the Barrier began in 2003. Its planned route diverges significantly from the Green Line around the Gush Etzion settlement bloc. If completed along the planned route, the Barrier will incorporate 12 Israeli settlements onto the 'Israeli' side of the Barrier. This would create a 64 square kilometre 'Seam Zone'³, the largest in the West Bank, and isolate seven Palestinian villages with more than 22,000 residents between the Barrier and the Green Line.

The original route of the Barrier in the Al Walaja area would have split the village in two. However, the community appealed to the Israeli High Court, and in October 2004 won its petition that the village remain intact.

In April 2006, the Israeli authorities confirmed plans to build the Barrier around Al Walaja, effectively rendering it a Palestinian enclave inside the Gush Etzion area. This will isolate an additional approximately 1,300 du of land behind the Barrier, around 30 per cent of the total lands of the village. Additionally, this will leave just a tunnel as the only route to Beit Jala and Bethlehem. The Barrier will also separate farmers from their agricultural land, leaving it reachable only through agricultural gates. After several years of inactivity, Barrier construction work resumed in April 2010 and continued until early 2013 on the eastern, northern and western sides of Al Walaja. It is still unclear whether the Barrier will also be built on the village's mountainous southern side.

Hundreds of trees (almond, olive, apricot and grape) have been uprooted or damaged during the construction, depriving many families of an important source of income. Other villagers have been cut off from their agricultural lands that already have been, or soon will be, isolated on the 'Israeli' side of the Barrier.

In 2012, the Israeli Ministry of Defense declared that two agricultural gates would be installed in the Barrier for farmers to access their land. However, based on access regimes currently in place in other areas of the West Bank, access is likely to be uncertain and arbitrary.⁴ Furthermore, it is unclear to what extent the Israeli authorities will recognize the farmers' land ownership documents as valid proof of ownership, a prerequisite to obtaining access.

³ 'Seam Zones' refer to areas of the West Bank located between the Barrier and the Green Line.

⁴ Information based on research on access through the Barrier conducted by UNRWA

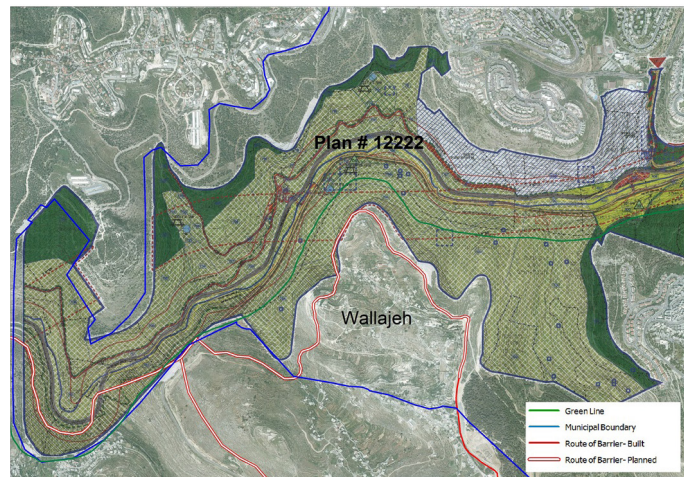
⁵ Ir Amim, Emek Refaim Park Plan Approved by District Committee, 7 July 2013.

⁶ Haaretz, One-fifth of new Jerusalem park to be built on Palestinian land, 8 July 2013 <http://www.haaretz.com/news/diplomacy-defense/one-fifth-of-new-jerusalem-park-to-be-built-on-palestinian-land.premium-1.534409>

Planned settlement and Israeli national park

In 2004, private investors announced plans to build a new settlement, Givat Yael, comprising 14,000 housing units. According to the plans, leaked in 2009, the settlement would expropriate and deprive the village of almost all of its remaining agricultural land. In March 2012, the plans for Givat Yael were replaced by Plan #12222, which called for the construction of a 5,700-dunum Israeli national park; this would take an estimated 1,200 dunums of agricultural land located between the Barrier and the Green Line belonging to Al Walaja.⁵ As of June 2013, sections of the park within Israel are under construction.

On 7 July 2013, the Jerusalem Planning and Building Committee approved the establishment the park on Al Walaja's lands.⁶ Farmers now face the real prospect of losing not just access to their land, but also the land itself.



ICJ Advisory Opinion

In July 2004, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, issued its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. While recognizing Israel's right to "protect the life of its citizens" (para. 141), the ICJ stated that the sections of the Barrier which ran inside the West Bank, including East Jerusalem, together with the associated gate and permit regime, is contrary to Israel's obligations under international law. It called on Israel to cease construction of the Barrier, "including in and around East Jerusalem"; dismantle the sections already completed; and "repeal or render ineffective all legislative and regulatory acts relating thereto" (para. 163).

Residency and housing rights denied

After 1967, Palestine refugees were not informed that their homes had been subsumed within the unilaterally expanded boundaries of the Jerusalem Municipality.⁷ At no point were they allowed to choose whether to be part of the municipality, nor were they offered Jerusalem ID cards or Israeli citizenship. As a result, for the members of the Al Walaja community whose land was purportedly annexed by Israel to the Jerusalem Municipality, the mere act of residing in their homes is illegal according to Israeli law, and many have faced multiple forms of harassment, ranging from arbitrary detention to imposition of fines, for being in Jerusalem or construction without a permit.⁸

For decades, the Jerusalem Municipality refused to 'zone' this area and issue building permits. In 1985, Israeli authorities demolished two homes and began issuing demolition orders against houses built without Israeli building permits. Since then, a further 43 houses have been demolished in Al Walaja, displacing more than 100 people, and demolition orders have been issued against an additional 70 structures.⁹ In the Jerusalem 2020 master plan, the Israeli authorities finally zoned the area, designating it a "green area unsuitable for habitation".

Palestine refugees residing in the 'Jerusalem' section of Al Walaja appealed to the Israeli authorities to re-designate the land on which their homes stand to be outside of the Jerusalem municipal area, first in 1989 and again in 2003. Both requests were rejected. In 2004, they tried once more to legalize their residential status, this time requesting Jerusalem IDs for 280 residents on the 'Jerusalem' side of the village. This request was rejected in 2008.

UNRWA assistance in Al Walaja

- UNRWA health centres in Bethlehem city and Dheisheh camp provide health services to Al Walaja residents
- A coed UNRWA school serves approximately 325 students in grades 1-9; older children attend schools in Beit Jala and Bethlehem
- Between 2008 and 2012, the UNRWA Microfinance Department granted a total of 114 loans, worth US\$ 214,548, in Al Walaja, helping fund microenterprises such as livestock raising, grocery stores, taxis and an internet café
- The UNRWA Job Creation Programme ("cash-for-work") provided 664 short-term employment opportunities to Al Walaja residents between 2008 and 2012
- Advocacy and mobilization of international stakeholders

⁷ The village is composed of five neighbourhoods: Khalet Al Howar and Ein Jweizeh inside the Jerusalem Municipality, and Khalet Samac, Saraj and Daher in the est Bank, within Area C (with the exception of a small portion of Khalet Samac that is in Area B).

⁸ In Israel, not paying fines is a considered a criminal offence. In 1991, Israeli authorities assessed penalties against residents, based on square metre (ranging between NIS 8,000 and NIS 100,000). If a monthly payment is missed, then the entire penalty becomes due. Paying fines does not prevent the demolition of the houses.

⁹ Numbers according to Village Council records. Such figures should be considered estimates unless otherwise stated.

Family to be isolated by the Barrier

Omar, his wife and their three children live along the planned route of the Barrier, and once construction is completed, they will be isolated from the rest of Al Walaja. This Palestine refugee family's only access to the village will be through a fenced gate in the tunnel that runs beneath the Barrier.

In order to avoid the Israeli authorities' plans to enclose the house with a four-metre-high electrified fence on the remaining three sides, Omar and his family were compelled to sign an agreement with the Israeli authorities. The conditions of this agreement are very restrictive: the family is not permitted to expand their house or use it for any commercial purpose.

Furthermore, to receive any visitors to their home, the family must inform the Israeli army at least 12 hours in advance for approval and visitors will not be permitted to stay overnight. Such a restrictive access regime will severely impact the family's social relations and community networks.



Omar Hajajeh walking through the tunnel under the route of the Barrier that will connect his house to the village.

Milestones of Al Walaja

- 1948** 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, others to Jerusalem, Bethlehem or abroad.
- 1967** Israel occupies the West Bank, including East Jerusalem, and the boundaries of the Jerusalem Municipality are extended to include 50 per cent of Al Walaja lands.
- 1970s** More than 120 dunums are confiscated for the construction of Gilo and Har Gilo settlements and a bypass road.
- 1985** Jerusalem Municipality imposes its jurisdiction on the area of Al Walaja located inside the municipal boundary, while the rest of the village remains under the Israeli Civil Administration. For the first time, the Municipality demolishes two homes on the Jerusalem side for being built without permits. The Municipality refuses to elaborate a zoning plan that would establish a system allowing residents to officially submit requests for building permits.
- 1985-2006** Forty-five houses are demolished (30 within the Jerusalem municipal area and 15 in Area C of the West Bank). A further 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. On both occasions, they are told that the area belongs to the Jerusalem Municipality.
- 1991-1996** Fines are issued for construction without building permits. Residents are arrested and detained or jailed until fines are paid.
- 2004** More than 80 residents, whose homes are on the Jerusalem side, are arrested for being present without a permit inside Israel's unilaterally defined Jerusalem municipality boundaries.
- 2004** Private investors announce the construction of the new Givat Yael settlement.
- 2004** The community appeals to the Israeli High Court against the route of the Barrier splitting the community in two. In October 2004, the High Court rules that the village should stay intact.
- April 2006** An Israeli court agrees to delay demolitions for three years to give the Al Walaja community time to work with the Jerusalem Municipality on elaborating a zoning plan.
- August 2006** Israeli authorities confirm plans to build the Barrier around Al Walaja.
- 2006-2009** The community forms a committee to work with lawyers, architects and the Jerusalem Municipality to develop the zoning plan. The master plan is initially rejected by the Municipality and is then submitted to the Regional Council.
- September 2009** The moratorium on house destructions in Al Walaja ends and houses with pending demolition orders come under threat once again. As of 2013, no master plan has been approved, but no formal and definitive rejection has been issued.
- October 2009** Givat Yael settlement plans are leaked: a settlement of 14,000 housing units, 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. Al Walaja village will be isolated by the Barrier from most of its agricultural land.
- August 2011** Plans emerge for construction of an Israeli national park on both sides of the Green Line, including on most of the Al Walaja agricultural lands isolated by the Barrier. Construction of the park begins soon after.
- March 2012** The Israeli Ministry of Interior approves the expansion of Gilo settlement by 797 housing units, to be built on parts of Al Walaja's agricultural lands.
- October 2012** Eighteen administrative demolition orders are issued to Al Walaja residents.
- 2011- May 2013** The Jerusalem Planning and Building Committee approve the establishment of the national park on 1,200 dunums of land located between the Barrier and the Green Line belonging to Al Walaja.



united nations relief and works agency
for palestine refugees in the near east

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UNRWA is a United Nations agency established by the General Assembly in 1949 and is mandated to provide assistance and protection to a population of registered Palestine refugees. Its mission is to help Palestine refugees in Jordan, Lebanon, Syria, West Bank and the Gaza Strip to achieve their full potential in human development, pending a just solution to their plight. UNRWA's services encompass education, health care, relief and social services, camp infrastructure and improvement, microfinance and emergency assistance. UNRWA is funded almost entirely by voluntary contributions.