



POLICY PAPER:

AL-WALAJEH: A PROCESS OF AN ONGOING DISPOSSESSION

*1650 Palestinians from Al-Walajeh were displaced by the Israeli army in October 1948, five months after the establishment of the State of Israel. Their village, which was their home, was razed. To block the displaced from ever returning home, Israel confiscated the land under the "Absentee Property Law," constructing the settlement of Aminadav on its ruins and using forestation as a means of erasing its indigenous Palestinian history. Little remained of that village which once bustled with energy and hugged the hill between Jerusalem and Bethlehem. But on the scarce chunk of land that Israel failed to conquer in 1948, the displaced villagers returned two years later, rebuilt their village, albeit partially and clung to their roots, with the hope of reclaiming their inalienable right to return to all of it. But then came the 1967 war and with it a second wave of conquest and military occupation by Israel. **And now, 73 years after invasion and expulsion and 54 years after the occupation of the little that had remained, Palestinians are facing the threat of yet another displacement.***

The lines above can be the overture to the histories of countless Palestinian villages and neighborhoods from Sheikh Jarrah in Jerusalem to Iqrith and Kufir Bir'im in the north of historic Palestine: the ongoing transgenerational trauma of uprooting, the manufacturing of an entire legal regime to strip Palestinians of their lands and of

their legal status, the erection of walls, the use of draconian legal designations to legitimize the dispossession of Palestinians, and other strategies. But this story refers to al-Walajeh, a village that continues to endure – and resist – the full might of Israel's machinery of oppression.

Having confiscated most of its land in 1948, Israel annexed part of rebuilt al-Walajeh to the jurisdiction of the Jerusalem occupation municipality in 1967. The annexed Al-Walajeh neighborhood is called **Ein Jweizeh.** After the

signing of the Oslo accords, Israel further divided the village, classifying some of it as “Area C”, under full military and administrative control, and “Area B”, under Israeli military and Palestinian administrative control. Regardless of the designations, however, the entirety of the village is effectively controlled by Israel. The Palestinians who live in Ein Jweizeh and the areas classified as “Area C” require a permit from the Israeli municipality and Civil Administration respectively to build and expand. Not only do Israeli occupation authorities deny Palestinians the right to build and expand on their own land, they also reject Palestinian planning proposals, creating a catch-22 situation. Palestinian homes are demolished under the pretext of unauthorized construction; Israel turns down Palestinian requests for permits in the guise of the absence of detailed master plans; all Palestinian proposals for master plans are rejected by the Israeli planning committees at the occupation municipality and the Civil Administration. Indeed, during the 1990s, residents of Al-Walajeh drew up an outline for a detailed plan for their village. The proposal, which was filed before Israeli planning authorities, was intended to retroactively regulate the existing buildings, maintain the village’s unique agricultural terraces, and pave the way for the construction of public buildings, which the village desperately

needs. After a decade of procrastination and delays, the proposal was ultimately rejected by the Israeli District Planning and Construction Committee. The justification for the rejection is painfully familiar for Palestinians: Al-Walajeh lies in a zone defined by Israel as a “green area” and construction in “green areas” is prohibited. The designation of land as “green” or “open” areas has very little to do with supposed environmental protection; rather, it has been a tactic used regularly by Israel in Jerusalem and its vicinity to curb Palestinian construction and growth. It is not uncommon for Israeli authorities to declare Palestinian lands as “green areas” to ban Palestinian construction, whilst eventually changing the designation of the land to make way for settlement construction on the same land. The building of the wall is yet another tool for land confiscation

In 2003, Israel began – under the pretext of security needs – to construct a fortified barrier (illegal according to the International Court of Justice) which isolated the Ein Jweizeh neighborhood from the rest of the village. The legal reality that Israel has created through its different classifications, has tangible, aching ramifications for the villagers’ everyday lives. **Thirty-eight families face** the imminent threat of displacement in Ein Jweizeh under the pretext of building without permit. *(On some occasions –in the case of administrative demolition orders - they only have a limited window of days or even hours to file objections against the*

Between 2014- 7/2021

52 DEMOLITIONS AT AL-WALAJEH

26 HOUSES

10 AGRICULTURAL STRUCTRES

7 INFRASTRUCTRE

9 OTHERS

47 DISPLACED PEOPLE

237 PEOPLE AFFECTED

demolition orders.) Palestinians with West Bank IDs living in Ein Jweizeh are also at risk of being separated from their partners and family members who carry Jerusalem IDs. None of that is random or improvisational. The construction of the wall, in the guise of “protecting security,” sought to further confiscate what remained of al-Walajeh’s land; the mass displacement threatening Ein Jweizeh has the same objective. Land confiscation is designed to give way to the construction and expansion of the Gilo West settlement.

Israel recognizes the strategic importance of Al-Walajeh and its multi-layered regime of domination and dispossession, founded upon laws, bureaucracy, the permit system, and the imposition of facts on the ground,

aims at consolidating colonial expansion.

Israel’s policies in al-Walajeh blatantly violate International Humanitarian and Human Rights Law. Its construction of the Gilo West settlement and other colonies at the expense of the displacement of the village’s Palestinian residents is a breach of Article 49 of the Fourth Geneva Convention. The construction of the wall, *on the village’s land, was deemed illegal* by the International Court of Justice’s advisory opinion of 2004. The systematic denial of the villagers’ right to adequate housing violates Article 11 of the International Covenant on Social, Economic, and Cultural Rights. Israel’s policies of displacement and dispossession in al-Walajeh form part of its larger regime of racial domination, and apartheid, according to the definition of the crime in the Rome Statute as well as the International Convention on the Suppression and Punishment of the Crime of Apartheid. They are in the words of Article Two of the Convention, “inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over



Abu Al-Haija family demolished house, November 2020, LRC®

another racial groups of persons and systematically oppressing them.”

While you read these lines Al-Walajeh is embroiled in a process of ongoing dispossession facilitated by the failure of the international community to uphold its obligations under international law. This inaction has given successive Israeli governments impunity and political cover for their human rights violations against Palestinians. Active military and financial aid further

emboldens Israeli de-facto annexation of Palestinian lands.

In the aftermath of the destruction of the original Al-Walajeh village in 1948, Israel inaugurated a so-called “national park,” a notorious Israeli tactic adopted in numerous depopulated Palestinian villages and towns. Israel refers to the valley where the park was created as “the valley of ghosts.” The village’s traditional spring lies in this valley. It is ironic that the Palestinian refugees who were displaced from this very area, are now charged entrance fees to visit their spring. This painful detail illustrates how the Nakba, the 1948, is an ongoing process that continues to be implemented by Israel to colonize and uproot Palestinians.



A ruined Palestinian house near Ein Hanya spring, Al-Walajeh that its owners were displaced in October 1948 JLAC® (2021)