The Atarot Exception?

Business and Human Rights under Colonization

Marya Farah

Editor's Note:
A notable contribution to the 2019 Ibrahim Dakkak Award for Outstanding Essay on Jerusalem.

Between the neighborhood of Bayt Hanina and the Qalandiya checkpoint in East Jerusalem sits Atarot industrial settlement, currently the largest industrial park in the Jerusalem area and the site of businesses ranging from Coca-Cola's distribution center to a waste treatment plant.[1] Atarot can be accessed either through its innocuous main entrance off of highway 45 or by driving alongside the annexation wall.[2] One entrance depicts the grandeur of a well-financed industrial zone; while the other reveals the stark contrast between Palestinian residential areas and hallmarks of occupation, such as the checkpoint and wall, that surround it. As one United Nations agency expressed, "Every square meter in East Jerusalem is a plot of politics."[3] Most often, the focus is on highly symbolic land in and around the Old City. But Atarot, one of an estimated nineteen Israeli industrial settlements in the West Bank – illegal under international law – is home to a less visible but an equally complex set of political issues.[4]

Underlying these various "plots of politics" is Israel's aim of establishing Jerusalem as its undivided capital, with a demographic majority of Israeli Jews to Palestinians at a 70:30 ratio. Toward this objective, Israel has established residential and touristic settlements, as well as the industrial settlement of Atarot, to forcefully establish "facts on the ground" in the city, while simultaneously imposing an array of policies and practices to deepen its control over the Palestinian population therein. As a result, Palestinians in Jerusalem face choices in relation to their lives and livelihoods that are partially or wholly defined by the occupation, requiring them to continually adapt to and resist the Israeli measures that target them. Their reality is characterized by an obstructed economy, scarce land resources, and movement restrictions, among countless other policies.

This paper examines the situation faced by Palestinians holding Jerusalem identity cards and more specifically the decision by some Palestinians to establish businesses in Atarot. Forced to operate in an environment shaped by a web of ever-expanding policies that target them as well as the cumulative impact of over fifty years of occupation and nearly a century of British and Israeli colonial rule, Palestinian business owners, workers, and consumers inevitably draw their own lines on matters ranging from "crony capitalism" to boycott.

Although this paper draws on interviews conducted with a number of Palestinian business owners operating in Atarot[5] in 2017, it does not contend to be a comprehensive reflection of the opinions or motivations of all Palestinian business owners in the settlement. Rather, it seeks to highlight Israeli policies – including those that have been systematically documented by the UN and international and local organizations, among others – and consider how such policies have informed the choices and perspectives of Palestinians in Jerusalem, including those interviewed. The article also considers the application of the UN Guiding Principles on Business and Human Rights within the manipulative and coercive environment created by Israel.

Creating Atarot

Zionist settlers first established a settlement of Atarot in 1912, following the purchase of its land by a company for the Jewish National Fund (JNF).[6] The lands were abandoned before World War I and in 1920 British Mandate authorities built the Jerusalem Airport (also referred to as Qalandiya Airport or Atarot Airport) in the area. The settlement was reestablished in 1922 following the purchase of additional land by the JNF.[7] In 1945, an estimated 433 dunums in the Atarot area were Jewish-owned and 68 dunums were public land; only 33 dunums of this total area was considered "built-up."[8] Between January and May 1948, British Mandate authorities urged the Jewish community in Atarot to evacuate, and by 14 May, the remaining inhabitants left the settlement to join fighting in Neve Ya'akov.[9]

Having occupied East Jerusalem and the rest of the West Bank in June 1967, Israel unilaterally expanded the municipal boundaries of Jerusalem and immediately began expropriating land in and around East Jerusalem. Since the start of the occupation, the Israeli government expropriated some 26,300 dunams (approximately 6,499 acres) of land in East Jerusalem, most of it Palestinian-owned.[10] Atarot industrial settlement was established by the Jerusalem Economic Corporation in 1970, on the lands of Bayt Hanina, and has a detailed outline plan that covers 1,530 dunums (378 acres).[11] Atarot industrial settlement is thus significantly larger than both the 33 dunums of "built-up" land comprising the first Jewish settlement and the lands controlled by the JNF in 1945. The Israeli Ministry of Foreign Affairs and other sources often ignore this fact, and instead assert that the settlement in its entirety reestablishes a historic site and ties.[12]

In 2001, following the start of the second intifada, the Jerusalem airport closed and was taken over by the Israeli Ministry of Defense;[13] meanwhile, the occupancy rate in the industrial zone fell to 30 percent.[14] The situation allowed for Palestinian businesses to increase their presence there.[15] The Atarot website currently notes that the settlement has 160 factories with 4,000 employees, three-quarters of whom are Palestinian and the remainder Jewish.[16] Despite making up a significant majority of the workforce in Atarot, as one report noted "most Palestinians working in Atarot are non-professional workers, while most Jews are in positions of management, sales, and clerical work."[17] While this disparity is representative of the power imbalance driving Israel's prolonged occupation, it is apparently insufficient for Israeli authorities: Atarot's website asserts that "many factories . . . are now considering bringing additional Jewish workers in the place of Arab workers who are leaving the factories."[18]

To facilitate this, and its broader demographic aims throughout the city, Israel provides a variety of incentives to attract Israeli settlers and foreign and Israeli businesses to Jerusalem, including Atarot, which is considered "national priority A."[19] As detailed by the Jerusalem Development Authority (JDA), businesses operating therein receive an array of benefits:

> Land costs, expenditures and development costs, as well as rental prices, are significantly lower than those in the rest of the industrial zones, within the city and outside of it. Atarot has recently been graded to pay the lowest property tax rates in the city, as well as having additional benefits for distribution center warehouses with a minimum area of 1,000 square meters.[20]

The JDA also provides grants to companies that relocate to Jerusalem or expand their businesses already located therein.[21]

In addition to the industrial settlement, Israel has long considered building a residential settlement in Atarot. These plans were tabled for years due to pressure from the United States.[22] However, on 7 December 2017, one day after Trump's recognition of Jerusalem as Israel's capital, Israeli media reported plans for the construction of five thousand housing units in Atarot.[23] The Israeli Minister of Construction and Housing later emphasized the strategic importance of Atarot, stating, "We must continue to establish [our] hold on the Jerusalem area from Maaleh Adumin in the east to Givat Ze'ev in the west, from Atarot in the north to the area of Bethlehem . . . ."[24] The establishment of a residential settlement would not only further divide Palestinian neighborhoods of East Jerusalem, but would also appropriate land and infrastructure, including the area of the airport, crucial for any future Palestinian state.

The Environment

Atarot must be contextualized within Israel's prolonged occupation of Palestinian territory and the deliberate fragmentation of Palestinian land and people. This includes a range of Israeli policies and practices that both carve, divide, and appropriate Palestinian land, and separate Palestinians by physical barriers and an identity card system that exacerbates movement restrictions. While these measures are found throughout the West Bank, Israel also implements policies specific to Jerusalem and Palestinians holding Jerusalem identity cards as a means to consolidate its annexation of the city.[25] Facing an obstructed economy and markets saturated with Israeli products, Palestinians in Jerusalem and throughout the West Bank are forced to adapt to and, at times, cooperate with the repressive and discriminatory system imposed on them.

One well-documented example of this reality is the presence of Palestinian workers in settlements. In 2017, the International Labor Organization (ILO) noted that the number of Palestinians working in Israel and in settlements was at an all-time high.[26] Although Palestinians faced difficult labor conditions in these areas, including wages lower than their Israeli counterparts, the ILO found that "the stagnating labor market in the West Bank pushes Palestinians to take up work wherever it is to be found."[27] Notably, while Israeli and international businesses often attempt to deflect criticisms related to their unlawful presence in settlements by citing their employment of Palestinians, a 2011 study found that 82 percent of Palestinian wage workers "have the desire and willingness to leave their work in the settlements if a suitable alternative is available."[28]

The situation of Palestinian workers is not unique; Palestinians throughout the occupied Palestinian territory face a range of significant constraints and difficult considerations in leading their daily lives due to Israel's occupation.

Land and Planning in East Jerusalem

As previously noted, immediately following the occupation in 1967, Israel expanded the municipal boundaries of Jerusalem with the goal of including undeveloped Palestinian land while excluding areas with large Palestinian populations, such as Abu Dis and al-Ram.[29] Israel continued to entrench its annexation of the city as the occupation persisted, including through the unlawful confiscation of land for settlement use and the implementation of a discriminatory permit regime. It is estimated that more than one-third of the land added to Jerusalem through the expanded boundary has been expropriated by Israel, mainly from private Palestinian owners, and used for residential settlements. In Palestinian neighborhoods, Israeli planning authorities have not put forward outline plans for over ten years, thereby precluding authorized development.[30] According to the UN Office for the Coordination of Humanitarian Affairs (OCHA) in the occupied Palestinian territory, only 13 percent of land in East Jerusalem – much of which is already developed – is zoned for Palestinian construction.[31] Palestinians are thus forced to build "illegally" in order to meet their basic needs, putting them at risk

Map of Atarot, the Israeli Ministry of Economy and Industry website, online at economy.gov.il/English/Industry/DevelopmentZoneIndustryPromotion/ZoneIndustryInfo/Pages/Atarot.aspx (accessed 17 October 2019). The Palestinian areas next to and/or on where Atarot settlement was established include: al-Ram and Dahiyat al-Barid to the east; Bayt Hanina to the south; and Bir Nabala to the west. The area to the north is Qalandiya, with the settlement extending narrowly to the Qalandiya checkpoint.

for displacement. It is estimated that at least one-third of Palestinian homes in East Jerusalem lack a permit, while inadequate infrastructure leads to the deficient provision of water and sewage in Palestinian neighborhoods.[32]

In addition, Israel has taken various steps to isolate Jerusalem from the remainder of the West Bank. Israel has constructed twelve settlements "to create a physical barrier between the city and the rest of the West Bank and to manufacture a sovereign claim over East Jerusalem."[33] As these settlements and their related infrastructure expanded, Jerusalem became further isolated from the rest of the West Bank through Israel's construction of the annexation wall. Working in concert with these policies of isolation and de-development of Palestinian neighborhoods is the ID system imposed on Palestinians since 1967. This includes a revocable status of "permanent residents" for Palestinians holding Jerusalem identity cards, for which Israel requires that Jerusalem ID-holders maintain their "center of life" in the city, while it simultaneously works to ensure that doing so is as difficult as possible.

These and other Israeli policies not only serve Israel's territorial and demographic objectives, but also have had a severe impact on the Palestinian economy in East Jerusalem. UN Habitat has noted the impact of Israel's planning regime on Palestinian development in East Jerusalem, including: "a lack of allocated land for the construction of public facilities as well as for economic development, including commercial and industrial lands. Currently, there are no plans to develop industrial zones, or lands available for institutions and public buildings."[34] This lack of planning comes in contrast to Israeli settlements in East Jerusalem, including Atarot, as well as West Jerusalem, which saw an area of 1.73 square kilometers of industrial construction between 1980 and 2007.[35] Meanwhile, since Israel began construction on the wall in the early 2000s, it has cost "over one billion dollars in direct losses to Palestinian residents in Jerusalem" and "its adverse impact in terms of lost opportunities endures at the rate of $200 million per year."[36]

Land and Development in the West Bank Excluding East Jerusalem

In the remainder of the West Bank, Palestinians face similar limited options and opportunities due to Israel's administration and fragmentation of the territory. Under the Oslo accords, the West Bank, excluding East Jerusalem, was divided into Areas A, B, and C. Area A constitutes approximately 18 percent of the West Bank and, as per the Oslo accords, is under full Palestinian civil and security control. In practice, the Israeli military regularly conducts raids and other operations into Area A. Area B is 22 percent of the land area and was delineated as being under Palestinian civil control and Israeli security control. However, according to the Palestinian Liberation Organization, Area B has been under full Israeli control since September 2000.[37] Although Areas A and B include major Palestinian cities and population centers, the areas are carved out of the occupied Palestinian territory in a non-contiguous manner, with Area C, 60 percent of the West Bank, effectively enveloping the areas and turning them into enclaves.

As a result, the value of developing non-contiguous land in Areas A and B is low, with these areas more broadly "not intended to accommodate long-term demographic growth and related economic and social infrastructure development."[38] Similarly, although Area C is rich in natural resources and should be central to the Palestinian economy, Israel's full control over it has instead meant that the Israeli settler and national economy profit. According to UN OCHA, 70 percent of Area C is "off-limits for Palestinian use and development," 29 percent is heavily restricted, and only 1 per cent is planned for Palestinian development.[39] The World Bank has also noted: "The continuous growth in the size of land allocated for settlement activity in Area C has significantly reduced land available for use by the Palestinian private sector."[40] According to a 2011 study, these restrictions were also broadly considered "the main push factors behind Palestinian investment in Israel," triggering greater private Palestinian investment in Israel than in the West Bank.[41]

Palestinian Businesses in Atarot

Within this context of fragmentation, movement restrictions, and an inability to use or access land for Palestinians, Israeli industrial, residential, and touristic settlements are facilitated and supported by Israel and directly benefit from the policies that target

Palestinians. Yet the Israeli media and others often put forth Atarot as a model of Palestinian-Israeli cooperation and coexistence.[42] This not only ignores Israel's stated plans for the area, which seek to transfer more settlers via a residential settlement, in contravention of international law, but also its expressed aim to bolster the presence of Jewish workers.[43] It also disregards the policies that drive some Palestinian business owners and workers to either locate or find work there, and how such decisions may be viewed by Palestinians at large.

Coercion and Isolation

In interviews, Palestinian business owners in Atarot underscored that Israeli policies throughout the West Bank, including those described above, were central to their decisions to locate in the settlement. This choice was primarily driven by an absence of available and appropriately zoned land in Jerusalem. One business owner stated that his business was first established in 1971 in Bayt Hanina; however, he decided to move to Atarot in 1994, as there was no land appropriate for expansion in the area.[44] Another owner faced a similar dilemma when seeking to expand, stating, "I did not have other options."[45] In addition to the issue of land, an individual that operated a carpentry business stated that he had to locate in an industrial area due to the noise that his machines made and the electricity infrastructure that they require.[46]

Most business owners interviewed did not view moving into other parts of the West Bank as viable. Individuals underscored that crossing checkpoints on a daily basis would be a major burden on their business and operational costs. Such costs are significant: one 2011 study found that due to barriers to movement and higher land, water, and electricity prices for Palestinian manufacturers, production in the West Bank (excluding East Jerusalem) was "more expensive by 30 to 40 percent than production in neighboring countries."[47] Palestinians in Atarot also highlighted the importance of maintaining their Jerusalem IDs; if their business moved, they anticipated that they would also eventually move to areas beyond the annexation wall to alleviate the burden of crossing checkpoints. If the Israeli government determined that Jerusalem was no longer their "center of life," their Jerusalem residency could be revoked. With these considerations in mind, Palestinians with East Jerusalem IDs are placed in a situation where they often choose to operate in a "hostile environment" in Jerusalem, rather than one with high operating costs and other obstacles in Palestinian-administered areas.[48]

Even when Palestinians are coerced into relocating to settlements, they remain outsiders. While Israelis are induced to relocate to settlements, the Palestinian business owners interviewed believed that they did not receive the same benefits as Jewish-owned companies operating there. One individual stated, "I think they pay less taxes, but I don't have the evidence. I asked an Israeli company for how much they paid, but they would not give it to me."[49] Another shared complaint among Palestinian business owners in Atarot was what they perceived as disproportionate targeting by the municipality and other government authorities, including: denial of extra permits for West Bank employees, difficulties obtaining construction licenses and purchasing or renting additional space, and fines related to parking and other penalties.[50] One business owner stated that he bought two dunums (approximately one-half acre) of land in 2010 and, at the time of the interview in 2017, still had not received a permit to build on it:

> They keep returning the plans; they review it and send it back. They should just give us all of their comments at once. The last time, they said that the plan was good, but the description of the project needed work; they highlighted supposed grammar mistakes.[51]

A 2012 report by the EU Parliament's policy department appears to reinforce such grievances, noting, "In the private sector, there are no formal differences between Arab and Israeli economic activities. Yet, there is discrimination in the management of development projects in the area, informal *pratiques* and taxation."[52]

Drawing Lines

While the status of Atarot as a settlement under international law is clear, other distinctions on the ground are blurred due to Israel's administration of the occupied Palestinian territory and the broader context of the colonization of Palestine. Israeli settlements are fully integrated into Israel's national economic, political, and legal system, and Israeli politicians are open in their aim of territorial annexation. At the same time, land appropriation and the displacement of Palestinians extends beyond the occupied Palestinian territory, remaining a present reality for Palestinians on both sides of the Green Line. Indeed, Palestinian business owners were keenly cognizant of the overarching context of colonization throughout Palestine, underscoring their view of a fabricated divide between 1948 and 1967 territory. One individual interviewed stated, "Atarot is an occupied area and not a settlement; in my opinion everything is occupied."[53] Another affirmed, "In my opinion, Tel Aviv is a settlement."[54]

Interviewees also discussed what their presence in Atarot denoted and considered the presence of Palestinian businesses an important counter to Israel's administration of the territory. One individual stated:

> If a Palestinian is in an industrial settlement, the Palestinian Authority should encourage it. The Israelis go to industrial settlements to take advantage of Palestinian workers. If a Palestinian is able to buy land, the PA should . . . encourage other Palestinians to go there. This is how we are going to liberate the land.[55]

The situation imposed on Palestinians in East Jerusalem due to Israel's illegal annexation of the city and the resultant presence of Palestinian businesses operating in Atarot had reportedly led the Palestinian Authority (PA) to exclude Atarot from its boycott of settlement goods, allowing Palestinian products made there to enter into the West Bank.[56] Palestinian business owners interviewed confirmed this as an unofficial policy of the PA. The owners of a printing press further noted their work with international organizations, stating, "They don't look at us as though we are in a settlement, they look at us as Palestinians."[57] Even with such implicit recognition, certain business endeavors are nonetheless viewed as pushing the boundary between that which is unavoidable and normalization. This has been exemplified in the development of a new mall in Atarot.

Rami Levy Mall

In 2016, Israeli businessman Rami Levy announced the opening of a new mall in the Atarot area. Levy holds a chain of stores located in settlements and across the Green Line. The stores are often touted as a model of coexistence by Israeli and international media, often citing the Palestinian shoppers and workers there, while ignoring the broader context of Israeli policies on the Palestinian economy.[58] The Rami Levy Mall in Atarot was similarly hyped by Israeli media as the "first Israeli-Palestinian mall," which would include Palestinian-owned stores and brands.

Not all reports on the project were positive, however. The impact of the mall was felt almost immediately after construction started: Palestinian human rights organization al-Haq documented an increase in harassment by the Israeli municipality of Palestinians living and working in the area.[59] Further, shortly after it was reported that Palestinian stores may open there, the head of the Palestinian Society for Consumer Protection (PSCP), Salah Haniyeh, called for a potential boycott against these Palestinian businesses.[60] Although Haniyeh reportedly stated that the consumer protection group boycotts all goods and services from settlements, it appeared as though a more stark line had been crossed between well-known Palestinian businesses located in Atarot and joint "normalizing" endeavors, like the mall. According to Rami Levy, following the media attention, some Palestinian businesses pulled out of the venture.[61] However, when the mall opened in January 2019, Levy claimed that 35 percent of the stores there belonged to Palestinians.[62]

While Israeli media continued to bill the project as a model of coexistence that provides a needed service for Palestinians, calls for boycotts by Palestinians also grew. Fatah, for example, declared that buying or renting stores, or shopping there amounted to "national treason."[63] In its continuing campaign against the mall, the PSCP also noted that its presence contributed to the expansion of the settlement enterprise in Jerusalem at the expense of the land and economy of Jerusalem.[64]

Indeed, marketed as a "discount supermarket, offering direct sales to consumers at inexpensive prices," the store's location is ripe for catering to Palestinian residents of Bayt Hanina and other areas of East Jerusalem.[65] Rami Levy noted the strategic placement of the mall stating, "230,000 Arab residents with blue [Jerusalem] identity cards live around the project, in addition to the Jewish communities. There is no shopping center around there that can serve them."[66] As asserted by the organization WhoProfits, the lack of shopping alternatives is a direct result of Israeli policies that have made Palestinians "captive clients." The organization highlighted that Rami Levy benefits from a context where Israeli authorities prevent "Palestinian businesses from competing with Israelis . . . A flourishing market in Bir Nabala was destroyed by Israel's wall in the West Bank. And venturing into West Jerusalem is not an option for Palestinians, most of whom live below the poverty line."[67] Local Palestinian businesses will inevitably have difficulty competing with Rami Levy. One business owner with a presence in Atarot, but no connection to the new mall, stated that a boycott of Rami Levy would be reasonable, because the store "will be ruining the businesses in Bayt Hanina."[68] Another stated that the chain was "coming to wreck the market [*suq*] of Bayt Hanina."[69]

Business and Human Rights under International Law

Although the international community, via international law and justice mechanisms, may not adequately deal with the complexities created by Israel's prolonged occupation and colonization of Palestine, organizations and activists continue to advocate for accountability according to such frameworks. Since the adoption of the UN Guiding Principles on Business and Human Rights (UNGPs) in 2011, both states and businesses have increasingly recognized their respective obligation to protect and respect human rights. In conflict-affected areas, states and businesses are also expected to respect international humanitarian law, as well as other applicable legal frameworks.[70] Accordingly, international and local organizations and activists have steadily worked to ensure that the occupied Palestinian territory, and more specifically the businesses that operate in Israeli settlements, is on the international business and human rights agenda. This has ranged from the publication of reports that document alleged complicity of international businesses in Israel's settlement enterprise to bringing court cases against such companies abroad. As a result, there has been an increased awareness of the role of business in Israel's violations of international law, which has included measures taken by some companies to ensure that their operations and business relationships do not adversely impact human rights, including by withdrawing their presence from settlements.

There have also been positive actions by states. In March 2016, the UN Human Rights Council adopted Resolution 31/36 calling for the establishment of a database of all businesses engaged in specified activities linked to Israeli settlements. Later that year, the UN Security Council adopted Resolution 2334, calling on states to "distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967."[71] State action under Resolution 2334 has been sparse, while the Office of the High Commissioner for Human Rights (OHCHR), the body charged with establishing the database, has been slow to fulfill its mandate.[72] Although an initial report was issued in early 2018, human rights organizations continue to call for the publication of the names of companies with a presence in or activities linked to settlements.[73] In addition to these and other multilateral initiatives, a recent bill proposed in Ireland's upper house of parliament seeks to ban the import or sale of settlement goods.[74]

An important question arises as to where Palestinian businesses operating in settlements fit in this. While the OHCHR database report does not specifically address the situation of Palestinian businesses, it does acknowledge the presence of Palestinian workers in settlements and the "depressed Palestinian economy" due to Israel's land and resource appropriation policies, which has had "a direct effect on the job market."[75]

Further, the Irish bill that seeks to ban settlement goods defines such products as "goods produced in whole or in part within a relevant occupied territory by an illegal settler."[76] This would presumably exclude goods produced by Palestinian businesses in settlements, as Palestinians are legally in the territory as the protected population.

While businesses should respect human rights and the principles laid out in the UNGPs, the coercive environment created by Israel must be deconstructed. Palestinians in the occupied Palestinian territory cannot be compared to Israeli settlers or foreign nationals operating therein; this would not only ignore their protected status, but also the illegal situation created by Israel's prolonged occupation and annexation of Palestinian territory. Israel has incentivized Israeli civilians as well as Israeli and foreign businesses to relocate to unlawfully confiscated land in the occupied Palestinian territory. In doing so, Israel has not only violated international law, but has highlighted the very reason why the transfer of the civilian population of the occupying power is prohibited under the Fourth Geneva Convention. As noted in the commentary of the convention, the prohibition on unlawful transfer was intended to

> prevent a practice adopted during the Second World War by certain Powers, which transferred portions of their own population to occupied territory for political and racial reasons or in order, as they claimed, to colonize those territories. Such transfers worsened the economic situation of the native population and endangered their separate existence as a race.[77]

Although the aforementioned commentary was written nearly ten years prior to Israel's occupation of the West Bank and Gaza Strip, its forewarning has neither deterred Israel from its settlement enterprise nor spurred third states to take action to hold Israel to account. Instead, Palestinians are forced to operate in this unlawful environment and find ways to meet their basic needs – this is demonstrated in certain Palestinian businesses that operate in Atarot.

Conclusion

Israel's prolonged occupation of Palestinian territory has increasingly been deemed illegal by scholars and has created a "coercive environment" leading to the unlawful transfer of Palestinians within and outside of the occupied Palestinian territory and of Israeli settlers into this area. Israel has both directly and indirectly forced Palestinians to make choices in regard to their residence, work, and other aspects of life within the manipulative context it has created. This is particularly palpable in East Jerusalem, where Palestinians are isolated in an annexed city, have identity cards and accompanying residency status that are vulnerable to revocation, and face a range of policies that target them. The resulting situation, including the presence of certain Palestinian businesses in Atarot, can be described as the "tension between resisting colonial practices and finding ways of survival and sustenance within existing colonial realities."[78]

At the same time, Palestinians also draw lines within this spectrum of "resisting and existing" within colonization. While the PA reportedly allows Palestinian goods produced in Atarot to enter into the West Bank due to the situation faced by Palestinians in Jerusalem, and therefore excludes such goods from its broader boycott of settlements, Palestinian political groups more recently called for a boycott of the Rami Levy mall in Atarot and the Palestinian businesses therein. These positions not only highlight the complexity of the situation imposed on Palestinians due to Israel's occupation, but also the manner in which Palestinians in Jerusalem assess their choices within Israel's broader colonization of Palestine and the limitations in international frameworks to incorporate such realities.

Marya Farah is a U.S.-licensed attorney, who focuses on international human rights law and advocacy. She has worked for a variety of organizations, including Al-Haq in the West Bank and the International Commission of Jurists in Egypt and Switzerland, among others.

Endnotes

1 "Industrial and High Tech Parks," *Aliyah 2 Jerusalem*, Jerusalem Municipality website, online at www1.jerusalem.muni.il/jer_sys/portal/aliya.asp?newstr=2&src=/jer_sys/publish/showPublishEng.asp?pub_id=41296&cont=1625 (accessed 26 November 2018); "The Central Bottling Company – CBC (Coca Cola Israel)," *WhoProfits*, online at whoprofits.org/company/the-central-bottling-company-cbc-coca-cola-israel/ (accessed 10 September 2019); Max Schindler, "Israeli High-Tech Plant Now Consumes All of Jerusalem's Garbage," *Jerusalem Post*, 10 September 2017, online at www.jpost.com/Business-and-Innovation/Israeli-high-tech-now-consumes-all-of-Jerusalems-garbage-504721 (accessed 10 September 2019)

2 Both entrances, and highway 45 itself, are inaccessible to West Bank ID holders who do not have permits. Regarding restrictions on Palestinian use of highway 45, see *Apartheid Roads: Promoting Settlements, Punishing Palestinians* (Jerusalem: Ma'an Development Center, December 2008), 15.

3 UN Habitat, *Right to Develop: Planning Palestinian Communities in East Jerusalem* (2015), Executive Summary, online at new.unhabitat.org/right-to-develop-planning-palestinian-communities-in-east-jerusalem.

4 "Industrial Zones in the Occupied Palestinian Territory: Dynamic Report," *WhoProfits*, online at whoprofits.org/dynamic-report/industrial-zones/ (accessed 10 September 2019).

5 Approximately five interviews were conducted with current owners, and one interview was conducted with an individual who previously had a business in Atarot. Three other individuals with businesses in Atarot either declined or did not respond to requests.

6 The lands were purchased by Hachsharat Hayishuv, "a company that acquired land in Palestine and prepared it for Jewish settlement." See "Atarot," Eretz Israel Museum Tel- Aviv website, 2012, online at www.eretzmuseum.org.il/e/236/ (accessed 23 November 2018).

7 Ruth Kark and Michal Oren-Nordheim, *Jerusalem and Its Environs: Quarters, Neighborhoods, Villages, 1800–1948* (Jerusalem: Hebrew University Magnes Press, 2001), 350.

8 Kark and Oren-Nordheim, *Jerusalem and Its Environs*, 238.

9 Benny Morris, *1948: A History of the First Arab-Israeli War* (New Haven, CT: Yale University Press, 2008), 80; "Atarot," Eretz Israel Museum Tel-Aviv website.

10 Efrat Cohen-Bar, *Trapped by Planning*: *Israeli Policy, Planning, and Development in the Palestinian Neighborhoods of East Jerusalem* (Jerusalem: Bimkom – *Planners*

for Planning Rights, 2014), 27, online at bimkom.org/eng/wp-content/uploads/TrappedbyPlanning.pdf (accessed 10 September 2019).

11 Atarot-Jerusalem official website, online at www.atarot-jerusalem.org.il (accessed 17 July 2019); *Survey of Palestinian Neighborhoods in East Jerusalem, Planning Problems and Opportunities* (Jerusalem, Bimkom – Planners for Planning Rights, 2013), 17, online at bimkom.org/eng/wp-content/uploads/survey-of-the-Palestinian-neighborhoods-of-East-Jerusalem.pdf (accessed 10 September 2019).

12 Israeli Ministry of Foreign Affairs, Public Diplomacy Division, Information and Visual Media Department, "Israel," 5, online at mfa.gov.il/MFA/AboutIsrael/Documents/Jewish%20Settlements.pdf (accessed 10 September 2010).

13 Zohar Blumenkrantz, "Jerusalem's Atarot Airport to Close for Now," *Haaretz*, 10 June 2003, online at www.haaretz.com/1.5477673 (accessed 20 September 2019).

14 "Entry April 19, 2006," Media Directory, Ministry of Information – State of Palestine, online at www.minfo.ps/English/index.php?pagess=main&id=97&butt=5 (accessed 22 November 2018).

15 Marian Houk, "Atarot and the Fate of the Jerusalem Airport," *Jerusalem Quarterly* 35 (Autumn 2008): 64–75.

16 Atarot-Jerusalem website.

17 Marik Shtern, *Polarized Labor Integration: East Jerusalem Palestinians in the City's Employment Market* (Jerusalem: Jerusalem Institute for Policy Research, 2017), 30, online at jerusaleminstitute.org.il/wp-content/uploads/2019/06/PUB_Labor-Integration-2_eng.pdf (accessed 10 September 2019).

18 Atarot-Jerusalem website.

19 Norwegian Union of Municipal and General Employees and Norwegian People's Aid, *Dangerous Liaisons II: Norwegian Ties to the Israeli Occupation* (Oslo: Norwegian Union of Municipal and General Employees and Norwegian People's Aid, June 2016); "Incentives and Grants to Encourage Business," Jerusalem Development Authority, online at www.jda.gov.il/template/default_e.aspx?CID=22&PId=131 (accessed 29 September 2019).

20 The full quote was found at: "The Atarot Industrial Area," BioJerusalem, online at www.biojerusalem.org.il/database_tpi.asp?ID=5 (accessed 8 February 2017). While the page has since been removed, a portion of the quote is cited in footnote 346 of Human Rights Watch, *Occupation, Inc.: How Settlement Businesses Contribute to Israel's Violations of Palestinian Rights* (New York: Human Rights Watch, January 2016), online at www.hrw.org/node/285045/%29 (accessed 16 September 2019).

21 "Companies Who Enlarge/Relocate Their Activities," Jerusalem Development Authority, online at www.jda.gov.il/template/default_e.aspx?CId=22&PId=182 (accessed 20 November 2018).

22 Houk, "Atarot."

23 Raoul Wootliff and Sue Surkes, "14,000 Housing Units Planned for Jerusalem, 6,000 of Them over the Green Line," *Times of Israel*, 7 December 2017, online at www.timesofisrael.com/14000-housing-units-planned-for-jerusalem-6000-over-green-line/ (accessed 10 September 2019).

24 Yehuda Shlezinger, "20,000 Housing Units Approved for Maaleh Adumim," *Israel Hayom*, 28 October 2018, online at www.israelhayom.com/2018/10/28/20000-housing-units-approved-for-maaleh-adumim/ (accessed 10 September 2019).

25 See, for example, UN Habitat, *Right to Develop*, 1; United Nations Conference on Trade and Development (UNCTAD), *The Palestinian Economy in East Jerusalem: Enduring Annexation, Isolation, and Disintegration*, (2013), 18.

26 "The Situation of Workers of the Occupied Arab Territories," Appendix to the Report of the Director-General, International Labour Conference, 106th Session (Geneva: International Labor Office, 2017), 5, online at www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_554441.pdf (accessed 10 September 2019).

27 "Situation of Workers," 5.

28 Majd Sbeih, *Palestinian Wage Workers in Israeli Settlements in the West Bank: Characteristics and Work Circumstances* (Ramallah: Democracy and Workers' Rights Center-Palestine, 2011), Executive Summary, online at www.dwrc.org/en/1/32/198/Executive-Summary-of-a-Study-on-Wage-Workers-in-Israeli-Settlements.htm (accessed 10 September 2019).

29 Jeff Halper, "The Three Jerusalems: Planning and Colonial Control," *Jerusalem Quarterly* 15 (Winter 2002): 6–17.

30 Association for Civil Rights in Israel (ACRI), *East Jerusalem: Facts and Figures 2017*, 21 May 2017, 4, online at law.acri.org.il/en/wp-content/uploads/2017/05/Facts-and-Figures-2017-1.pdf (accessed 10 September 2019).

31 UN Office for the Coordination of Humanitarian Affairs (OCHA), "East Jerusalem: Key Humanitarian Concerns – Update August 2014," online at www.ochaopt.org/content/east-jerusalem-key-humanitarian-concerns-august-2014 (accessed 10 September 2019).

32 According to OCHA, construction without permits places over ninety thousand Palestinians at risk of displacement. UN OCHA, *East Jerusalem*. Meanwhile, according to ACRI: "The problem of substandard water and sewage connections was created due to the ongoing failure to ensure the proper planning of the Palestinian neighborhoods and to enable development, expansion, and infrastructures consistent with the growth in population." ACRI, *East Jerusalem*.

33 UN Office of the High Commissioner for Human Rights (OHCHR), Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, October 19, 2016, A/71/554, para. 53.

34 UN Habitat, *Right to Development*, 16.

35 UN Habitat, *Right to Development*, 16.

36 UNCTAD, *Palestinian Economy*, 13.

37 Negotiations Affairs Department, Palestinian Liberation Organization, "Palestinian Movement Restrictions Highlight Israeli Apartheid," 9 January 2016, online at www.nad.ps/en/publication-resources/factsheets/palestinian-movement-restrictions-highlight-israeli-apartheid (accessed 16 September 2019).

38 World Bank, *The Economic Effects of Restricted Access to Land in the West Bank* (Washington: World Bank, October 2008), v, online at reliefweb.int/sites/reliefweb.int/files/resources/1F6B5FA222398DB349257 4EC000A88B5-Full_Report.pdf (accessed 16 September 2019). The report continues: "Access to Area B from the main centers of economic activity (generally Area A) is often interrupted by Area C and consequently at the risk of closure or delays, making a simple journey uncertain and time-consuming. In practice therefore, accessing Area B land, even in close range of the town, can be a long journey. Its value for developing commercial and housing activities is that much lower. It should be noted that this disadvantage also applies to discontinuous enclaves of Area A land as well." World Bank, *Economic Effects*, 23.

39 UN OCHA, "Area C of the West Bank: Key Humanitarian Concerns – Update August 2014," online at www.ochaopt.org/content/area-c-west-bank-key-humanitarian-concerns-august-2014 (accessed 16 September 2019).

40 World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee* (Washington: World Bank, September 2017), 19, online at documents.worldbank.org/curated/en/515891504884716866/pdf/119657-WP-PUBLIC-on-Monday-1-PM-sept-11-AHLC-report-September-8.pdf (accessed 16 September 2019).

41 Amira Hass, "Study: Palestinians Invest Twice as Much in Israel as They Do in West Bank," *Haaretz*, 22 November 2011, online at www.haaretz.com/1.5212105 (accessed 16 September 2019).

42 During a tour of Atarot mall, U.S. Ambassador to Israel David Friedman stated earlier this year, "Israelis and Palestinians working, shopping and doing business together – a simple path to peace." David M. Friedman, Twitter post, 10 April 2019, 8:24 am, online at twitter.com/usambisrael/status/1115990074493378560 (accessed 16 September 2019). A similar discourse is used for other industrial zones. See, for example: Human Rights Watch, *Occupation, Inc.*, 9–10. online at www.hrw.org/node/285045/%29 (accessed 16 September 2019).

43 See note 19.

44 Author interview with P., 23 January 2017, Atarot. The names of individuals interviewed have been withheld due to the sensitive nature of the issue. Instead, an initial has been assigned to each individual.

45 Author interview with F., 23 January 2017, Atarot.

46 Author interview with H., 23 January 2017, Atarot.

47 Hass, "Study."

48 UNCTAD has noted the "hostile environment for Palestinian Jerusalemites and their economy, in which Israeli authorities are oriented principally towards serving the interests of a settler population in their midst and Palestinian authorities

are effectively incapable of intervening in East Jerusalem and managing or otherwise sustaining the economy." UNCTAD, *Palestinian Economy*, 18.
49 Author interview with S., 2 March 2017.
50 Author interviews with F. and G., 23 January 2017, and with S., 2 March 2017.
51 Author interview with S., 2 March 2017.
52 Directorate-General for External Policies of the Union Policy Department, European Parliament, "Jerusalem: The Heart of the Israeli-Palestinian Conflict – Policy Briefing," March 2012, 17, online at www.europarl.europa.eu/RegData/etudes/briefing_note/join/2012/491443/EXPO-AFET_SP%282012%29491443_EN.pdf (accessed 16 September 2019).
53 Author interview with P., 23 January 2017.
54 Author interview with C., 23 January 2017.
55 Author interview with S., 2 March 2017.
56 "PA Ministry Defends Settlement Permits," *Ma'an News*, 26 October 2010, online at www.maannews.com/Content.aspx?id=327676 (accessed 10 September 2019). Calls to PA ministries and relevant offices yielded no further information on the policy.
57 Author interview with G., 23 January 2017.
58 See, for example, Isabel Kershner, "West Bank Shopping Complex, a Symbol of Coexistence, Is Shaken," *New York Times*, 24 December 2015, online at www.nytimes.com/2015/12/15/world/middleeast/west-bank-shopping-complex-a-symbol-of-coexistence-is-shaken.html (accessed 10 September 2019).
59 Al-Haq, "Development of Atarot Threatening Palestinian Neighborhoods of East Jerusalem," 23 June 2016, online at www.alhaq.org/advocacy/topics/wall-and-jerusalem/1054-development-of-atarot-threatening-palestinian-neighborhoods-of-east-jerusalem (accessed 10 September 2019).
60 See Dov Lieber and Luke Tress, "Israeli Mogul Erecting First Israeli-Palestinian Mall Near Ramallah," *Times of Israel*, 28 June 2016, online at www.timesofisrael.com/israeli-mogul-erecting-first-israeli-palestinian-mall-near-ramallah/ (accessed 16 September 2019); Dov Lieber, "Businesses Joining First Palestinian-Israeli Mall Face Boycott," *Times of Israel*, 3 July 2016, online at www.timesofisrael.com/businesses-joining-first-palestinian-israeli-mall-face-boycott/ (accessed 16 September 2019).
61 Rami Levy, "Palestinian Israeli Equality and Normalization: The Case of Rami Levy Supermarkets," in *Defeating Denormalization: Shared Palestinian and Israeli Perspectives on a New Path to Peace*, ed. Dan Diker (Jerusalem: Jerusalem Center for Public Affairs, 2018), 95–106, online at jcpa.org/defeating-denormalization/palestinian-israeli-equality-normalization-case-rami-levy-supermarkets/ (accessed 16 September 2019).
62 Jessica Steinberg, "On Edge of Jerusalem Alongside Security Barrier, Jews and Arabs Shop at New Mall," *Times of Israel*, 8 January 2019, online at www.timesofisrael.com/outside-jerusalem-alongside-security-barrier-jews-and-arabs-shop-at-new-mall/ (accessed 16 September 2019).
63 "Ba'da da'wat muqata'et mall 'Rami Levy' .. Fatah: man yashtari minhu kha'in lil-watan" [Following Calls to Boycott Rami Levy Mall .. Fatah: Whoever Buys from It Is a Traitor to the Homeland], *Dunia al-Watan*, 8 January 2019, online at www.alwatanvoice.com/arabic/news/2019/01/08/1207114.html (accessed 16 September 2019).
64 "Al-Quwa al-wataniyya tad'u al-muwatinin ila muqata'et 'Rami Levy' wa ijhad suqahu fi al-Quds" [National Forces Call on Citizens to Boycott "Rami Levy" and Abort Its Market in Jerusalem], *Ramallah News*, 7 January 2019, online at ramallah.news/post/119937/ (accessed 10 September 2019).
65 "Investors," Rami Levy-Hashikma Marketing, online at www.rami-levy.co.il/files/moadonashrai/investors/ (accessed 26 November 2018).
66 Shany Moses, "Rami Levy to Open Mall Near Ramallah Next Month," *Globes*, 24 November 2018, online at en.globes.co.il/en/article-rami-levy-to-open-mall-near-ramallah-next-month-1001260652 (accessed 16 September 2019).
67 "Rami Levy's New Real Estate Venture in the West Bank," *WhoProfits*, June 2013, online at whoprofits.org/updates/rami-levys-new-real-estate-venture-in-the-west-bank/ (accessed 16 September 2019).
68 Author interview with M., 22 July 2017.
69 Author interview with S., 2 March 2017.
70 UN OHCHR, *UN Guiding Principles on Business and Human Rights*, (New York: UN OHCHR, 2011), 9–10, 13–14 (commentary on principles 7 and 12), online at www.ohchr.org/documents/publications/

GuidingprinciplesBusinesshr_eN.pdf (accessed 16 September 2019).

71 UN Security Council Resolution 2334, adopted on 23 December 2016, para. 5.

72 See the periodic reports of UN Special Coordinator Nickolay Mladenov.

73 For the initial report, see, UN OHCHR, *Database of All Business Enterprises Involved in the Activities Detailed in Paragraph 96 of the Report of the Independent International Fact-finding Mission to Investigate the Implications of the Israeli Settlements on the Civil, Political, Economic, Social, and Cultural Rights of the Palestinian People Throughout the Occupied Palestinian Territory, Including East Jerusalem* (New York: UN OHCHR, January 2018), online at reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_37_39_EN.pdf (accessed 16 September 2019). For further calls for action, see, for example, “Israel and Palestine: Release of UN Database of Businesses Operating in Israeli Settlements,” International Federation for Human Rights (FIDH), 23 February 2018, online at www.fidh.org/en/region/north-africa-middle-east/israel-palestine/israel-and-palestine-release-of-un-database-of-businesses-operating (accessed 16 September 2019).

74 “Control of Economic Activity (Occupied Territories) Bill 2018,” Tithe an Oireachtais/Houses of the Oireachtas, online at data.oireachtas.ie/ie/oireachtas/bill/2018/6/eng/initiated/b0618s.pdf (accessed 16 September 2019).

75 UN OHCHR, *Database*, paras. 52–53.

76 “Control of Economic Activity (Occupied Territories) Bill 2018,” 3–4 (para. 2).

77 Convention (IV) Relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, Commentary of 1958, Article 49, online at ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=523BA38706C71588C12563CD0042C407 (accessed 16 September 2019).

78 Nithya Nagarajan, “Development under Colonialism?” in *Critical Readings of Development under Colonialism: Towards a Political Economy for Liberation in the Occupied Palestinian Territories* (Birzeit: Birzeit University Center for Development Studies and Rosa Luxemburg Stiftung Regional Office Palestine, 2015), 80.