

# Pockets of Lawlessness in the “Oasis of Justice”

Candace Graff

Kufr ‘Aqab is a neighborhood on the outskirts of municipal Jerusalem, left on the West Bank side of the city by the separation wall. The skyline is packed with high-rise monstrosities, trash covers the streets, and there is not a tree in sight. Cut out of Jerusalem yet still under its jurisdiction, the village reeks of neglect and disorder. Israeli city officials acknowledge that the decades of neglect in Kufr ‘Aqab have only intensified after the construction of the wall, and Kufr ‘Aqab is left in no man’s land.

The separation wall in Jerusalem has made manifest the message that Israel has been sending the Palestinians of Jerusalem for years: you do not belong here. Kufr ‘Aqab and Shu‘fat are two Palestinian neighborhoods within municipal Jerusalem cut out of the city by the separation wall. A part of Jerusalem in name only, the severe deterioration of services from Israel after the construction of the wall has left the neighborhoods in utter ruin. These communities are in limbo; they belong neither to Israel nor Palestine, and have been left to stand on their own. The notion of not belonging for Palestinians in Jerusalem is deeply rooted in municipal policy since 1967. Granting Palestinians the status of permanent residency meant that they had no real citizenship. Some kept their Jordanian citizenship and a slim minority applied for Israeli citizenship. Nonetheless, they do not have full rights in Israel or Palestine, belonging somewhere in the middle, with no real identity. Since the construction of the separation wall, Kufr ‘Aqab and Shu‘fat have become literal materializations of this general condition of Palestinian Jerusalemites, belonging nowhere.

There has been much research done on the effects of the separation barrier in general, and specifically in Jerusalem.<sup>1</sup> But the neighborhoods of Kufr ‘Aqab and Shu‘fat are distinct cases that shed light on a much bigger trend than human rights violations. It is clear

from the route, and especially its deviations, that there were political considerations in building the wall. Israel does not hide the fact that they have a demographic target for the city, as is demonstrated in the Jerusalem Master Plan of 2000, and the wall is the latest installment. By cutting out these densely populated neighborhoods, Israel is furthering its demographic aim of maintaining a Jewish majority. This essay will examine the neighborhoods that lie beyond the wall but still remain in the Jerusalem municipality. Physically and ideologically cut out, Kufr ‘Aqab and Shu‘fat exemplify the horrible realities faced by Palestinians in Jerusalem. I traveled to these neighborhoods in January 2013 to see firsthand the situation in Kufr ‘Aqab and Shu‘fat, and use my interviews and experiences to describe life behind the wall.

Jerusalem is an ever-changing city, despite its eternal aura. In each of its modern historical moments, its borders changed. But so did the idea of the city, in the minds of the people who ruled it and in the eyes of the international community. Jerusalem, once the center of an Ottoman province and then designated a *corpus separatum* by the United Nations, became a capital divided between Israeli and Jordanian control in 1949. In 1967, after Israel conquered Jordanian Jerusalem, the city’s borders changed once again in an attempt to define the “united” capital of Israel. Unlike the rest of the West Bank, Israel decided to place East Jerusalem under Israeli administration. However, the seven square kilometers of Jordanian Jerusalem only constituted 8.5 percent of the expanded municipal boundaries, which included the addition of twenty-eight Arab villages into Jerusalem.<sup>2</sup>

The new boundary “was not only unprecedented, but also devoid of any religious, historical, or emotional justification.”<sup>3</sup> The goal in expanding the municipal boundaries was to maximize land possession while incorporating the minimum number of Arabs; no urban planning was considered, and especially ignored was the contiguity of Palestinian life that existed between East Jerusalem and the West Bank. Indeed, former prime minister Ehud Olmert has admitted the arbitrariness of the expanded boundaries, as he asked, “Was it necessary to determine that the Shuafat refugee camp, Arab el-Suwahara, and Walaja were also part of Jerusalem? I will admit, there are questions to be asked here.”<sup>4</sup> These questions were asked too late, and the implications of incorporating these neighborhoods into Jerusalem persist today.

Following a decision on the municipal boundaries, Israel consolidated its rule over East Jerusalem based on the two-fold strategy of control of land and the application of law. The Knesset approved the amendment of two laws – the Law and Administration Ordinance (Amendment No. 11) Law of 1967, and the Municipalities Ordinance (Amendment No. 6) Law of 1967 – to confirm Israel’s legal right to East Jerusalem.<sup>5</sup> To further consolidate control of East Jerusalem, the Knesset enacted a Basic Law in 1980: “Jerusalem, complete and united, is the capital of Israel.”<sup>6</sup> Despite the international community’s condemnation of Israel’s actions in East Jerusalem, it nonetheless became an integral part of Israel’s capital.

With all of Israel’s efforts focused on legalizing control of East Jerusalem, not much attention was given to the newly incorporated population brought under its jurisdiction. Palestinians within the new borders were given the status of “permanent resident,” allowing them civil, political, social, and economic rights in Jerusalem, but not full

citizenship. In 1949, when Jordan annexed both the West Bank and East Jerusalem, it granted all Palestinians Jordanian citizenship. East Jerusalemites were allowed to maintain their Jordanian citizenship after 1967, and could apply for Israeli citizenship only after taking a loyalty oath, which prevented almost all Palestinians from applying. East Jerusalemites were and still are caught in the crossfire of different identities: “The Palestinian inhabitants of East Jerusalem are today torn between three identities: *Israeli* residency, *Jordanian* citizenship, and *Palestinian* political consciousness and participation.”<sup>7</sup> Despite conflicting identities, Palestinian Jerusalemites do not truly belong in any of these categories.

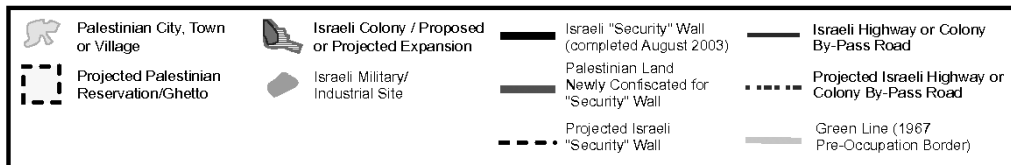
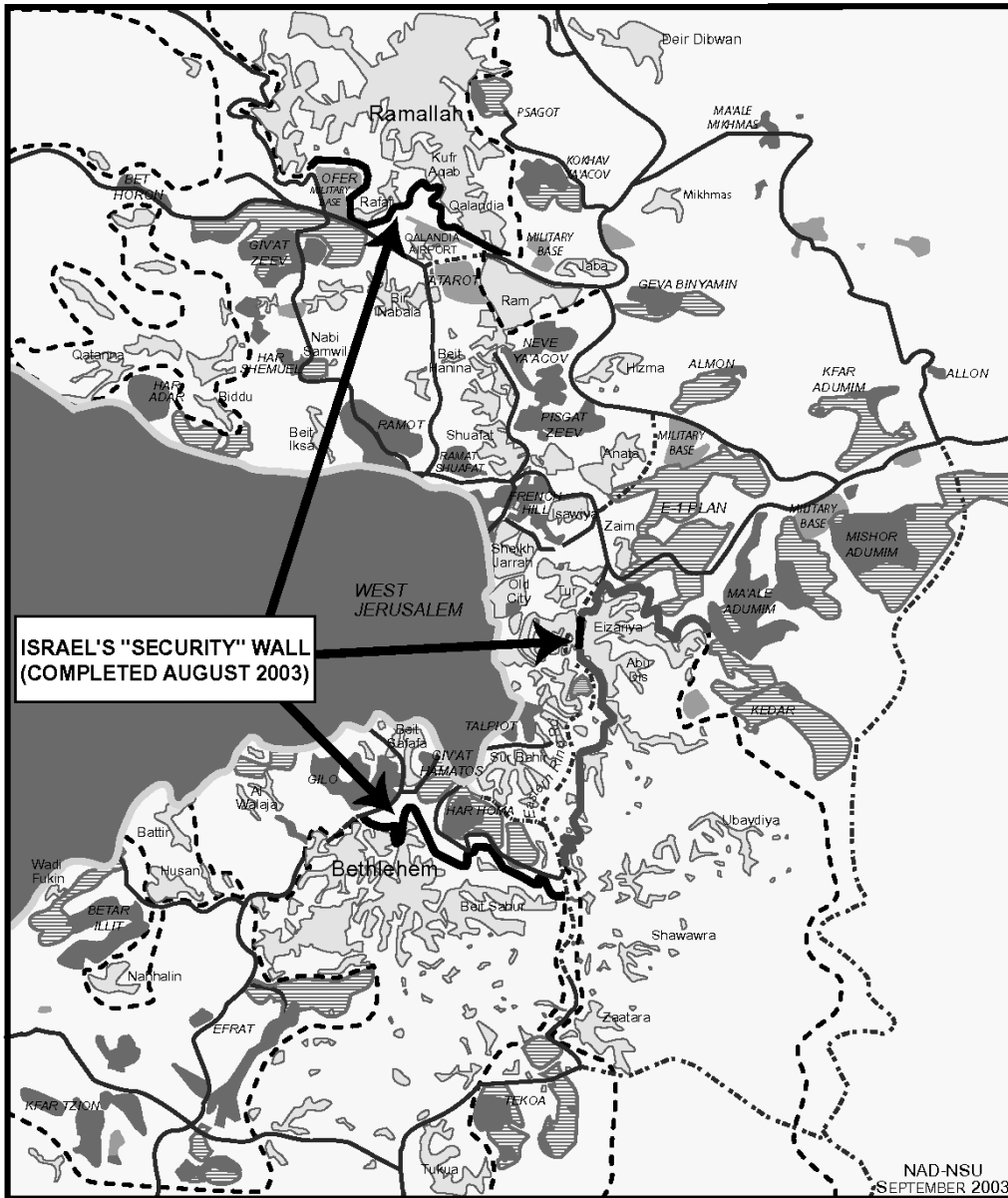
Although granted equal rights in Jerusalem, Palestinians have nonetheless suffered a series of discriminatory policies – from bureaucratic restrictions on obtaining building permits to under-funded schools and hospitals. Additionally, Israel has taken a number of measures to directly threaten Palestinian residency rights. In her article on institutionalizing statelessness, Danielle Jefferis describes the three methods by which Israeli authorities use national law to revoke residency rights: “the ‘center of life’ policy, the application and waiting period requirement for children applying for permanent residency, and the implementation of the ‘loyalty oath’ for non-Jews seeking citizenship through naturalization.”<sup>8</sup> Most notably, since 1995, Israel has revoked residency rights of nearly ten thousand Palestinians on the pretext that Jerusalem is not their center of life.<sup>9</sup> This includes people who live abroad and those who cannot afford the rent in Jerusalem and live in the suburbs. This policy would have devastating effects after the construction of the wall. Jefferis argues that Israeli policy has rendered many Palestinians stateless, and even if they have residency rights, they are constantly reminded of the privilege of being allowed to live in Jerusalem. They are treated like guests in their own homes:

Most Palestinian East Jerusalemites, despite having been born in the city, do not possess citizenship rights. Rather, they are trapped in a fine limbo between permanent residency, whereby they exercise only a limited set of rights but are able to live in Jerusalem, and statelessness, whereby their permanent residency is confiscated, their limited rights are revoked, and they are forced to leave the city in which they were born.<sup>10</sup>

All of these methods make it harder for Palestinians to maintain their residency status, and thus contribute to achieving Israel’s stated demographic goals regarding Jerusalem.

In 1967, the population of Jerusalem was 74 percent Jewish and 26 percent Arab.<sup>11</sup> However, because Israel did not adequately consider the effects of the newly incorporated Arabs into Jerusalem, the demographics quickly began to change. Then prime minister Golda Meir made it her explicit objective to increase the Jewish population in Jerusalem and emphasized the necessity of maintaining the 1967 population ratio. However, it was impossible to counter high Arab birth rates especially with increasing internal Jewish migration out of Jerusalem. The Jerusalem Master Plan of 2000 reiterated Israel’s demographic objective of preserving the Jewish majority.<sup>12</sup> The plan seeks to preserve the ratio of 70 percent Jewish and 30 percent Arab, but predicts that by 2020 the ratio

# ISRAEL'S "SECURITY" WALL IN OCCUPIED EAST JERUSALEM



Source: <https://img.docstoccdn.com/thumb/orig/81310021.png>.

will most likely be 60 percent Jewish and 40 percent Arab. This alarming trend is of much concern to Israel:

In order to prevent the occurrence of those scenarios, or worse ones, far-reaching changes are needed in the way of dealing with the central variables affecting the immigration/emigration balances and the gaps in birth rates, which ultimately create the demographic balance.<sup>13</sup>

By building new Jewish neighborhoods and keeping Arab birthrates lower, Israel hopes to maintain its demographic goal. This objective is hard to attain, and the separation wall in Jerusalem provided Israel with a unique opportunity to solidify its Jewish majority.

When the second intifada broke out in 2000, and violence in the region escalated, the Israeli government decided to create a physical boundary to separate the West Bank from Israel. The barrier loosely follows the 1949 Armistice Line, although mostly built on Palestinian land. In Jerusalem, however, Israel decided to route the barrier to surround the entire city. The construction of the wall around all of Jerusalem legitimized the contested boundary of a unified city: here are borders made manifest in concrete, visible to all.

The Israeli High Court has emphasized again and again the barrier's temporary nature and the need to balance Israel's security needs with the preservation of Palestinian daily life. However, the wall has had lasting effects on the Palestinian communities, permanently altering their fabric of life, especially in Jerusalem, where Palestinians are mostly separated from other Palestinians, not from Israelis.<sup>14</sup> Every village near the wall is affected in different ways, but by looking at each one, the route demonstrates the government's disregard for the urban planning of East Jerusalem and its hinterland. Not only does the wall physically tear through villages, it has also had serious socioeconomic effects on Palestinian society. Many Palestinians who lived in the suburbs have moved back to Jerusalem, because of the center of life policy and Jerusalem's better health, education, and employment opportunities. However, this has led to a rise in housing prices, forcing people to live in unsuitable conditions. According to a 2010 survey, 77 percent of Palestinians in East Jerusalem live below the poverty line, compared to 25.4 percent of Jews.<sup>15</sup> Additionally, the wall hinders freedom of movement and access to holy sites and to health services and education. It is not the aim of this paper to describe all of these implications and cases, but taken as a whole, it is clear that under the pretext of security, the wall has created deep divisions within the Palestinian community of East Jerusalem – divisions that have harmful effects on the security, health, and prosperity of the Palestinian residents of Jerusalem.

Although Israel claims that the route of the wall was not influenced by political considerations, there are obvious deviations in it that cut out large pockets of Palestinian Jerusalemites, in a way that preserves, in demographic terms, a Jewish majority in the city, while negatively affecting the quality of life for Palestinian communities on the other side of the wall. Additionally, many Jewish neighborhoods on the outskirts of Jerusalem remain on the Israeli side of the barrier, which will de facto add 164 square kilometers of West Bank land into the Jerusalem envelope.<sup>16</sup> Unlike other Palestinian neighborhoods

affected by the wall, the neighborhoods of Kufr ‘Aqab and Shu‘fat bear the brunt of Israel’s demographic strategy, and have been completely sequestered from the city. These neighborhoods have become literal manifestations of a metaphorical Palestinian identity in Jerusalem – they belong nowhere.

## Two Marginalized Communities

This section focuses on Kufr ‘Aqab and Shu‘fat Ridge, two neighborhoods in the northern parts of Jerusalem that have been cut out of the municipality by the separation wall. Since the construction of the wall, Israel has for the most part stopped providing services to these neighborhoods. However, municipal services were never that extensive before the wall, as in most of East Jerusalem: “Palestinian neighborhoods of East Jerusalem (which host 30 per cent of the city’s population) received only 11.72 per cent of the municipal budget in 2003 and 7 per cent in 2009.”<sup>17</sup> Even after the construction of the wall, residents pay the *arnona*, or Jerusalem municipality tax. Additionally, the municipality turns a blind eye to illegal construction, allowing Palestinians to access cheap housing within the municipality. This has caused a large increase in the population since the wall’s construction, with approximately 70,000–90,000 Palestinian Jerusalemites residing in Kufr ‘Aqab and Shu‘fat Ridge, around one quarter of Jerusalem’s Palestinian population.<sup>18</sup> Overcrowding, no law enforcement, and high poverty and unemployment rates have turned these neighborhoods into pockets of lawlessness.

### Kufr ‘Aqab

Kufr ‘Aqab lies on the main road from Jerusalem to Ramallah and has the look of any other West Bank suburb. Since 1996, a village council has governed the community, with thirteen current members. They are appointed by the Palestinian National Authority and are responsible for basic upkeep. I spoke with Sa’ed Khayat, a current member of the village council, who explained that part of the village is in Area C of the West Bank and that the council was originally created to serve those one thousand people in Area C.<sup>19</sup> The vast majority of residents in Kufr ‘Aqab, however, are residents of Jerusalem, making the municipality responsible for services. Yet, because of Israeli neglect, the council tries to provide services to all residents, regardless of whether or not they have Jerusalem IDs. The council was created to fill the vacuum that Israel has left in the neighborhood. However, with limited financial abilities they are unable to support the whole neighborhood. There has been no census conducted by either Palestinian or Israeli sources, but NGOs assume there to be around fifteen to thirty-five thousand people living in the village.<sup>20</sup> Sa’ed Khayat told me that there are more than sixty-five thousand residents, and that this number is growing every day.<sup>21</sup>

Although the village council tries to provide for all the residents of Kufr ‘Aqab, they do not have enough resources to do so. I had the privilege to meet Abu Ashraf, who

heads the Communities of Jerusalem, the North Council. There are four communities represented in the council – Kufr ‘Aqab, Semiramis, al-Zughayyar, and the airport area – but they all fall under the larger Kufr ‘Aqab area. The name of the council, though awkward, is intentional. If the committee were called Communities of North Jerusalem, it could be interpreted as areas outside the municipality. Jerusalem, the North, cannot be interpreted as anything but Jerusalem. Abu Ashraf is the head of the larger committee: “We are in touch with the municipality to get services. We pay our taxes, they need to give us services.”<sup>22</sup> He meets with the mayor’s representatives regularly and has adopted a strategy of pressure through the courts. Danny Seidemann, an Israeli human rights lawyer, represents these communities. The two forces at work – Abu Ashraf’s committee and the village council – try to help the people, but they do not work together. Each council reports to different authorities. This is indicative of this neighborhood’s transitive status, neither Israeli nor Palestinian, and left without adequate resources from either to care for the people. Indeed, the municipality of nearby al-Bireh refuses to provide services, insisting that it is Jerusalem’s duty.<sup>23</sup> Kufr ‘Aqab used to be a fashionable suburb, but since the construction of the wall, it has “the look of a slum in a Third World city.”<sup>24</sup>

### *Infrastructure*

There was no public sewage system in Kufr ‘Aqab until 2003, when the village council built one; now ninety percent of residents use the system, while the remaining ten percent use cesspits.<sup>25</sup> These cesspits are unhygienic, cause environmental damage, and are the root of many health problems including the spread of epidemics and diseases. The council is only responsible for the collection of solid waste in the areas of the village that are under the Palestinian National Authority’s control and thus they do not have the resources to cover the greater part of the village. The Jerusalem Municipality is responsible for trash collection, but is not regular in its collection of waste, causing huge accumulations of trash throughout the village. They usually collect once a week, through Palestinian contractors, but sometimes months go by without collection. Because of this, many people burn their trash. Lack of garbage collection is by far the largest problem facing Kufr ‘Aqab. In 2011, Abu Ashraf’s committee filed a lawsuit against the waste collection department at the Jerusalem Municipality and the Ministry of Environmental Protection, demanding a clean environment and more regular trash collection.<sup>26</sup> In 2012, the court ruled that the municipality must submit a plan to improve services in Kufr ‘Aqab. Since then, Abu Ashraf confirmed that there were seventy new large garbage bins and one hundred and ten smaller bins provided by the municipality, a step in the right direction.<sup>27</sup>

## ***Health and Education***

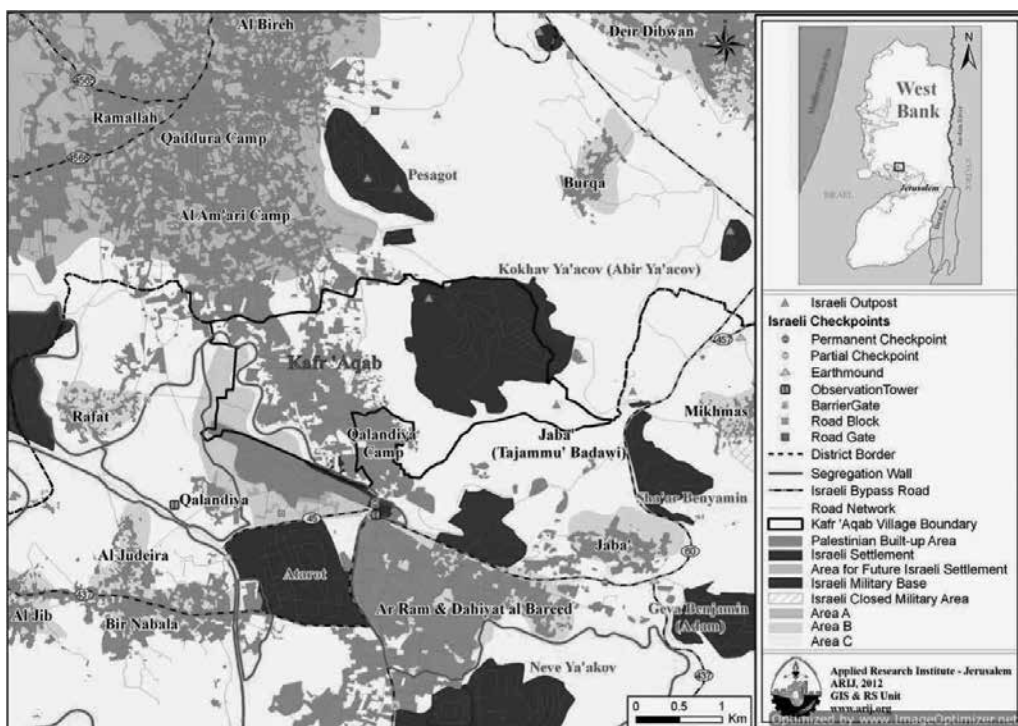
Kufr ‘Aqab has six schools, although there are still no kindergartens in the village: two schools are public, run by the Palestinian Ministry of Education and Higher Education, and four schools are private.<sup>28</sup> Before the wall was built, there were no schools in Kufr ‘Aqab, as children went to schools in Jerusalem. There are three health centers, a maternity hospital, ten private dental clinics, and ten private pharmacies.<sup>29</sup> There is no hospital, and in the case of emergencies, residents must either go to Ramallah or Jerusalem.

Abandoned by the municipality, several young residents decided to take matters into their own hands, establishing an organization in 2006 called the Kufr ‘Aqab Development Company. Privately funded and officially registered in Israel, they build the institutions that people cannot access now that the wall has been built. The founder, Samih Abu-Rumileh, is the principal of the Dar al-Ma‘rafa (House of Knowledge) school. He told me that his focus remains solely on education: “We found something in Israeli law that mandates the government’s responsibility to provide free education, which is why I opened this school.”<sup>30</sup> After the school was built, children did not need to cross a checkpoint in order to go to school. Samih Abu-Rumileh emphasized that, above all else, education is the most important thing: “Education is the backbone of every society. Their [Israel’s] concern is to make the new generation an uneducated one. We won’t let that happen.”<sup>31</sup> The company also established a health clinic so that people do not need to cross the wall every time there is a medical emergency; they received a license from Clalit HMO to operate the clinic. While Israel helps fund these schools and clinics, the community members had to take the initiative to provide these services because they were not being administered by the Jerusalem municipality. With no real help from Israel or the Palestinian Authority, residents of Kufr ‘Aqab had to provide education and health services themselves, although they still lack the resources necessary to provide for the growing population.

## ***Construction***

Since the construction of the wall, Israel has stopped regulating building in areas lying outside its periphery. Most Arab homes in East Jerusalem are built illegally due to a lack of urban planning and access to permits. This is even more pronounced in Kufr ‘Aqab. Israel has become stricter with illegal building, and has issued many demolition orders to make sure that houses are built legally. However, when it comes to areas under its jurisdiction on the other side of the wall, there are very few restrictions: “Palestinians believe Israel is turning a blind eye to the hundreds of cheap wildcat apartments being built there, hoping the abundant housing will lure the city’s Arabs to the other side of the barrier. They fear Israel will one day make the barrier the new municipal line to cement a Jewish majority in the city.”<sup>32</sup> City building inspectors stopped coming and contractors began to build large apartment buildings. Because of this, housing in Kufr ‘Aqab is significantly cheaper than in many parts of East Jerusalem. Thus, people have begun moving there





Kufur 'Aqab. Source: ARIJ, Jerusalem.

in order to have cheaper housing while retaining their status as residents of Jerusalem.

As a result, the wall is indeed creating a migration outwards: “The mini-Manhattan going up helter-skelter on Jerusalem’s northern edge is just the most visible sign of a chain reaction of Arab migration triggered by the barrier.”<sup>33</sup> To compound matters, none of these buildings follow regular building regulations, breaking many safety protocols. They are built on top of each other, and put many at risk. Samih Abu-Rumileh was frank when he told me about Kufur 'Aqab’s deterioration: “Excuse me for putting it this way, but now Kufur 'Aqab looks like a refugee camp.”<sup>34</sup> Indeed, Kufur 'Aqab looks very similar to the other neighborhood cut out of Jerusalem by the wall – Shu’fat Refugee Camp.

## Shu’fat Ridge

Shu’fat Ridge is a string of interlinked communities comprised of the Shu’fat Refugee Camp, Ras Khamis, Ras al-Shahada, and Dahiyat al-Salam. The neighborhoods grew from the Shu’fat Refugee Camp, which was the first formal settlement in the area. In a 2007 estimate, there were thirty thousand people living in these neighborhoods. However, much like in Kufur 'Aqab, there has been a significant increase in its population since 2007, specifically due to the construction of the wall.<sup>35</sup>

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) established the Shu’fat Refugee Camp in 1965 to provide shelter for Palestinian

refugees from the 1948 war who had been living in overcrowded and unsanitary conditions in the Mu‘askar refugee camp inside the Jewish Quarter of the Old City.<sup>36</sup> Jordan provided UNRWA with the necessary land to build the camp, originally intended to house only fifteen hundred refugees.<sup>37</sup> Over the years, as the Arab population in Jerusalem grew, the area around the camp became a prime target for Arab development as many non-refugees moved to the communities that surround the camp. While UNRWA has eleven thousand registered refugees officially in the camp, they estimate that there are between eighteen and twenty-two thousand people living there.<sup>38</sup> After the construction of the wall, an estimated four thousand refugees moved back from surrounding suburbs, for fear of losing their residency rights in Jerusalem.

### *Infrastructure*

UNRWA is responsible for services for refugees, but the Jerusalem municipality is responsible for providing services to the rest of the residents in the surrounding communities. Camp residents do not pay municipal taxes. UNRWA sees to basic services like trash collection and road maintenance, and is also responsible for the provision of education and basic social services. All shelters are connected to a public water and electricity infrastructure, although not all shelters are connected to the sewage system. UNRWA’s provisions are not enough for the camp, and overcrowding is a major problem: “UNRWA’s technical and safety building regulations have been ignored. Increasing numbers of refugees construct three- or four-storey shelters on foundations that originally were constructed to hold one- or two-storey structures.”<sup>39</sup> The camp is an “overcrowded, and impoverished Palestinian ‘ghetto’ in the heart of Jerusalem.”<sup>40</sup> Shu‘fat Refugee Camp is the poorest neighborhood in Jerusalem.

The Jerusalem Municipality is responsible for services to residents outside the camp, who amount to around ten thousand residents, but the municipality has largely ignored this population:

It [the area] suffers from a severely underdeveloped infrastructure: few and poorly paved roads, little or no trash collection, and the complete absence of street lamps or landscaping. There are no municipal schools, no parks, no community centers, and no post office. No zoning plan exists for the Ras Hamis, Ras l’Shehada, and Dahiyat al Salaam neighborhoods, so that residents have no means by which to secure building permits. Police service is limited at best. Since 2000, both ambulances and fire-trucks require police escort to enter the area, which has resulted in severe delays. Until recently, the area had only one health clinic and no mother and child health services.<sup>41</sup>

The services provided before the construction of the wall were scarce, but these have become even scarcer since its construction.<sup>42</sup> Acknowledging that municipal services were too hard for the municipality to provide, the government created the Jerusalem

Suburb Community Center by Government Decision 3873 on 10 July 2005. This new body would be responsible for providing services by means of a subcontractor.<sup>43</sup> The government did address the issue of how the barrier would alter local residents' "fabric of life" and freedom of movement, and in this decision vowed to provide services to areas outside of "the envelope" by establishing a "Jerusalem Envelope Community Authority" to support Jerusalem residents outside the wall. Israel promised to maintain life outside the wall by providing adequate services in the fields of education, health, transportation, communications, employment, and social services.<sup>44</sup> While Israel did acknowledge its responsibility to care for residents outside the wall by creating this center, such centers have not provided sufficient services. Streets are still lined with trash, roads fall apart, buildings go up without inspections, and there is a shortage of water.<sup>45</sup>

Furthermore, Israel impedes access to Jerusalem. The Ras Khamis checkpoint was dismantled on 19 September 2012, based on a decision by the Defense Ministry, and will be filled in with the wall.<sup>46</sup> The checkpoint was a pedestrians-only crossing and now all residents in the Ridge will be forced to enter Jerusalem through the Shu'fat Refugee camp checkpoint, greatly increasing traffic. The closure of the Ras Khamis checkpoint affects around sixteen thousand people who will have to walk two kilometers to reach the Shu'fat checkpoint.<sup>47</sup> Today, soldiers not only check identity cards, but they "may check the debts of residents to the social security or tax authorities," and vehicles are checked for licenses and registrations.<sup>48</sup> Both because there are insufficient checkpoints but also because of the level of surveillance conducted there, the construction of the wall has greatly limited freedom of movement for Palestinians. With the commute to Jerusalem made nearly impossible, and with routine harassment at the checkpoint, residents of Jerusalem are made to feel unwelcome in their own city.

### ***Education and Health***

Although UNRWA is responsible for services within Shu'fat camp, the influx of non-refugees have severely strained their limited resources and funds. There are six schools in the camp: four primary schools run by UNRWA, and two private schools.<sup>49</sup> There are also seven kindergartens. The UNRWA schools have over twenty-five hundred pupils divided into two shifts – morning and afternoon – to accommodate the large number of students.<sup>50</sup> There are no secondary schools run by UNRWA and no municipal schools in any of the areas, so non-refugee children must study outside the Ridge. The municipality, pressured by residents, did start to provide children with transportation from the checkpoint to municipal schools in Jerusalem, but there are many problems with getting them there on time. Many students have stopped going to school in Jerusalem. The wall also prevents university and college students from accessing higher education. Most university students go to al-Quds University in Abu Dis, or to universities in the West Bank.

There are no hospitals, specialized medical centers, or emergency clinics in Shu'fat Refugee Camp. There are two private health centers (one general and one dental), a health center operated by UNRWA, three motherhood and childcare centers, and a physiotherapy

center.<sup>51</sup> The UN's primary healthcare clinic is located in the Old City and it is difficult for refugees in the camp to reach it. Israel does not run any health clinics or hospitals in any neighborhood in the Ridge. Residents rely on East Jerusalem for medical services, particularly when it comes to hospital and emergency care. There were no ambulances in the camp until recently; only after someone died waiting for an ambulance was the camp provided with one.<sup>52</sup> Residents have taken it upon themselves to build private clinics that provide more specialized services, but, overall, healthcare is inadequate.

The camp does have its own drug rehabilitation center, founded and run by camp residents. Many young men in Shu'fat are addicted to drugs, and the camp "has become the main drug supplier for users in and around the capital,"<sup>53</sup> the reason being that the gaps in the wall make it easy for drugs to be smuggled into and out of Israel and the West Bank. The al-Huda Society for Treatment and Rehabilitation was founded to combat this problem and has expanded to help people throughout the West Bank. The people in the camp do not know the center by its full name – to them it is *al-nur* (the light). I talked with Abu Khalid (whose full name is Younis Ibrahim Almohta), a refugee from Shu'fat Camp, one of the founders of the center, and a former drug addict himself. He is currently a volunteer counselor at the center. He told me about his own experience and about starting the center:

I am one of the people from Shu'fat who was addicted to drugs for many years. I lost everything, destroyed my life. But at that time, there was nowhere to go. The people saw their kids in Shu'fat this way, and started to take steps to do something here in the area. When we started the center, most of the cases were from Shu'fat. On the Israeli side, we had to pay so much money to the hospitals that we couldn't afford to get the treatment we needed. Here [at the center], if you don't have money, we will accept you. Community members will help pay. Only 1,500 shekels a month – food, care, medicine, sleeping quarters, everything.<sup>54</sup>

The center is not glamorous, but there is a sense of hope. It boasts a 90 percent success rate. The majority of patients admitted became drug addicts because of the hard circumstances in the camp: overcrowding, poverty, and high crime rates. Thus, the center does not simply work to rehabilitate drug addicts; it understands that the environment is a large part of the problem, and works to fix that too: "Work, we help with. Family and kids, we help with. Wife, we help with. That way we cut most of the interferences out of his life that forced him to use drugs."<sup>55</sup> My final question to Abu Khalid was about the center's relationship with Israel and municipal authorities. His answer was clear: "They don't touch it. They help by leaving us alone. They don't give us any assistance, of course." His answer summarizes the extent of medical services provided by the Israeli government to Shu'fat: barely anything. The high number of drug users in the area illustrates the effect of this institutional neglect. Yet somehow, in this poorest area of Jerusalem, residents are able to organize their own facilities to help combat the challenges confronting them.

## ***Construction***

Abu ‘Ali, a prominent figure in the camp, took me on a tour of the area. He explained the boom in population during the 1980s and 1990s. He described how the combination of cheap housing and building permits attracted many thousands to the areas surrounding the camp – Ras Khamis, Ras al-Shahada, and Dahiyat al-Salam. He told me his family’s story, a typical example of Arab migration out to Shu‘fat:

My family and I used to live in one bedroom in the Old City. Eleven people in one bedroom. All of a sudden, this area opened after the first intifada. People started building, there were no inspections and, more importantly, no demolitions. The Municipality had expanded and this was Jerusalem. There were no checkpoints. It is a beautiful plan. All of a sudden my eleven-member family could have a home for cheap in a place where each one of us would have a bedroom. From 1988/89 onwards, pretty much two-thirds of the population in Jerusalem transferred to this area, and/or Kufr ‘Aqab.<sup>56</sup>

Abu ‘Ali estimates that there are now around 80,000 people living in the Shu‘fat Ridge. His personal story illustrates the influx of people into the area and how it has greatly exceeded its original capacity. Like Kufr ‘Aqab, buildings have popped up without any permits. Abu ‘Ali calls them high-rises, and adds that none of them are more than five years old (i.e., after the construction of the wall).

Abu ‘Ali believes that the lack of building restrictions and cheap housing were part of a plan by the municipality to start a migration to neighborhoods like Shu‘fat and Kufr ‘Aqab. Now, with the construction of the wall, he does not question that Shu‘fat will soon be formally removed from Jerusalem: “They are not pulling back the IDs yet from the people, or the right to live in Jerusalem, which is the Blue ID, but it will happen soon. Whoever is outside the wall is outside Jerusalem, except for the Israelis.”<sup>57</sup> For Abu ‘Ali, the wall delineates the border, and Shu‘fat lies outside it. Abu ‘Ali’s certainty was unshaken by my assurance that Israel could not cut these neighborhoods out of Jerusalem and strip them of their IDs. But he did not dwell on the future; he focused on the present, and his mission to help maintain social order in the camp, because there is no law enforcement.

The Jerusalem Municipality recently addressed the amount of illegal construction in Ras Khamis and Ras al-Shahada. The municipality issued eleven demolition orders (one order could pertain to an entire apartment building) as recently as November 2013.<sup>58</sup> By acknowledging the lack of building standards, yet refusing to help in planning, the matrix of Israeli control-without-responsibility is glaring.

## **Pockets of Lawlessness**

Kufr ‘Aqab and Shu‘fat Ridge have turned into no man’s lands, according to former Shin Bet chief Yuval Diskin.<sup>59</sup> Neither Israel nor the Palestinian Authority is in charge

of policing these neighborhoods. Crime rates are sharply increasing and residents are left to enforce the law on their own. The Israeli police are officially in charge of security and maintaining order in both Kufr ‘Aqab and Shu‘fat Ridge (including the camp), but after the construction of the wall there has been a complete absence of law enforcement: the camp and its surrounding villages have become pockets of lawlessness, beset by poverty and crime. According to Diskin, 2010 saw a decrease in terror-related events from the previous year, except in Jerusalem and these areas in particular, attributed to Israel’s lack of governance there.<sup>60</sup> Although Israeli police neglect to enforce order in these neighborhoods, Palestinian Authority forces are still forbidden from entering these areas under the Oslo accords.

In Kufr ‘Aqab, maintaining law and order is left in the hands of the residents, according to Nazmi Jaber:

In the security vacuum, residents try to maintain order themselves, relying on local elders and powerful families to resolve disputes. About two years ago, an armed gang assaulted a school official here and briefly held hundreds of students in a dispute involving an angry parent. Jerusalem police refused to come, and the standoff ended only when other parents rushed to the school and chased off the gang.<sup>61</sup>

Without regulated law enforcement, the crime rate is steadily rising. With nothing to deter them, so is the number of youths joining gangs.

At the time the wall was being built, Israel claimed that Kufr ‘Aqab and Shu‘fat were hotbeds of militancy for residents of the West Bank who wanted access to Jerusalem, and this was a main consideration in the route of the so-called fence. This is indeed true, although it became so only after the wall was built. The *mukhtar* (headman) of Shu‘fat, Jamil Sanduqa, explains: “Since 2004 many Palestinians have moved here from the territories in search of work near Jerusalem, and with them a lot of criminals who escaped the Palestinian Authority looking for a safer place. We became their haven. . . . Life here is very similar to anarchy.”<sup>62</sup> Police authorities, ambulances, and fire trucks cannot access the camp. Abu ‘Ali succinctly described the law and order system in Shu‘fat: “People like me are the law enforcement. Only when you to go to jail are there police.”<sup>63</sup>

## **Re-drawing Municipal Jerusalem**

On 14 December 2011, Jerusalem’s mayor Nir Barkat made a speech at a National Defense College alumni event in which he clearly stated that “We should give up on the municipal areas of Jerusalem that lie outside the Separation Barrier.”<sup>64</sup> A week later, Barkat spoke with rabbis from the national-religious camp on the same subject – he suggested a land swap with Jerusalem neighborhoods outside the wall for the parts of Area B of the West Bank that lie within the wall. Barkat admitted that the municipality has trouble providing services to these areas because of the “security situation” and, thus, those

areas should be under the Palestinian Authority's jurisdiction.<sup>65</sup> While Barkat's proposed land swap involves technically the same amount of land, the two parts do not contain the same number of people. Area B lands contain around twenty thousand people, while different estimates claim that the number of people living in the areas outside the wall is somewhere between sixty and one hundred thousand. In order to change any municipal borders, however, there must be a two-thirds majority vote in the Knesset, which is unlikely to happen. Nevertheless, it is the implication of this idea that is important: Barkat announced to the world and, more specifically, to his residents that he does not want to be responsible for these neighborhoods anymore.

Seven months later, on 24 July 2012, the municipality director-general, Yossi Heiman, asked the Israel Defense Force's Civil Administration to take responsibility for the residents who live east of the fence, including for their sanitation needs and the monitoring of construction.<sup>66</sup> The meeting between the IDF and Heiman concluded with a decision to present a plan to the government. While the municipality said there were no plans to *de jure* adjust the borders, the switch would *de facto* change the borders and leave the Jerusalem residents without their residency permits. This is all in the name of improving the quality of life for residents who live on the other side of the wall, but that argument falls apart quickly when examining demographic considerations and the trend of revoking residency permits.

## Conclusion

My last question to Samih Abu-Rumileh was simple, yet difficult: What does the future look like for Kufr 'Aqab? His answer was quite bleak:

The future of Kufr 'Aqab is unknown. No one knows what is going to happen. The Israelis refuse to give up on it, and the Palestinians don't want it. Our destiny is unknown, we are unsure if there is going to be a permanent resolution for us. We are like international waters – a conflict zone stuck between two countries.<sup>67</sup>

This is how most of the residents in Kufr 'Aqab and Shu'fat feel, abandoned by both Israel and the Palestinian Authority and left to fend for themselves. They are left in limbo between two regimes. Since the construction of the wall, these neighborhoods have deteriorated at an unprecedented rate. Trash collection is scarce, roads are not maintained, and sewage systems are not adequate. Additionally, the wall has made it extremely difficult for them to access employment, education, and health services in Jerusalem.

*Candace Graff graduated recently from Harvard College with an honors degree in Near Eastern Languages and Civilizations. She currently resides in Brooklyn, New York, where she works as a paralegal with a focus on social justice and juvenile rights.*

## Endnotes

- 1 See for example, Ray Dolphin, *The West Bank Wall: Unmaking Palestine* (London: Pluto Press, 2006).
- 2 Terry Rempel, "The Significance of Israel's Partial Annexation of East Jerusalem," *Middle East Journal* 51, no. 4 (1997): 525. Jordanian Jerusalem comprised only 6,000 dunams, whereas expanded Jerusalem comprised 70,000 dunams.
- 3 Ian S. Lustick, "Reinventing Jerusalem," *Foreign Policy*, no. 33 (1993–1994): 45.
- 4 Amnon Merana, "Olmert Hints at Possible Concessions in Jerusalem," *Ynetnews.com*, 15 October 2007, [www.ynetnews.com/articles/0,7340,L-3460183,00.html](http://www.ynetnews.com/articles/0,7340,L-3460183,00.html). Accessed 9 January 2013.
- 5 Law and Administration Ordinance (Amendment No. 11) Law, 5727–1967, <http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/13%20law%20and%20administration%20ordinance%20-amendment%20no.aspx>
- 6 Municipalities Ordinance (Amendment No. 6) Law, 5727–1967, <http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/13%20law%20and%20administration%20ordinance%20-amendment%20no.aspx>
- 7 Israel's Basic Law: Jerusalem, Capital of Israel, 30 July 1980. *Laws of the State of Israel*, vol. 34, 5740 – 1979/1980, 209.
- 8 Raseem Khamaisi, "The Separation Wall around Jerusalem/al-Quds: Truncating the Right to the City of the Palestinians," *43<sup>rd</sup> ISOCARP Congress* (2007): 5.
- 9 Danielle C. Jefferis, "Institutionalizing Statelessness: The Revocation of Residency Rights of Palestinians in East Jerusalem," *International Journal of Refugee Law* 24 (2012): 204.
- 10 Jefferis, "Institutionalizing Statelessness," 211.
- 11 Jefferis, "Institutionalizing Statelessness," 203.
- 12 Nadav Shragai, *Demography, Geopolitics, and the Future of Israel's Capital: Jerusalem's Proposed Master Plan* (Jerusalem: Jerusalem Center for Public Affairs, 2010), 10.
- 13 Jerusalem Local Master Plan 2000, Report #4, August 2004, 205.
- 14 Jerusalem Local Master Plan 2000, Report #4, August 2004, 204.
- 15 See Government Resolution No. 4783 of April 2006, Beit Sourik Village Council v. The Government of Israel and the Commander of the IDF Forces, and Mara'abe v. The Prime Minister of Israel.
- 16 United Nations Conference on Trade and Development (UNCTAD), "The Palestinian Economy in East Jerusalem: Enduring Annexation, Isolation, and Disintegration" (2013), 24.
- 17 Daniela Yanai, *Beyond the Wall* (Jerusalem: Ir Amim, January 2007).
- 18 UNCTAD, "The Palestinian Economy in East Jerusalem," 10.
- 19 Nisreen Alyan, Ronit Sela, and Michal Pomerantz, *Policies of Neglect in East Jerusalem: The Policies That Created 78% Poverty Rates and a Frail Job Market* (Jerusalem: Association for Civil Rights in Israel [ACRI], 2012), 3.
- 20 Author interview with Sa'ed Khayat, 13 January 2013.
- 21 The UN estimates 35,000 as can be found in UNRWA, "Barrier Impacts on Waste Management" (June 2012), [www.unrwa.org/userfiles/20120628121143.pdf](http://www.unrwa.org/userfiles/20120628121143.pdf).
- 22 Author interview with Sa'ed Khayat, 13 January 2013.
- 23 Author interview with Abu Ashraf, 14 January 2013.
- 24 Aryeh Dayan, "No Clinic? No School? We'll Open One," *Haaretz.com*, 29 November 2006, <http://www.haaretz.com/print-edition/features/no-clinic-no-school-we-ll-open-one-1.205670>. Accessed 18 October 2012.
- 25 Dayan, "No Clinic? No School? We'll Open One."
- 26 The Applied Research Institute – Jerusalem (ARIJ), *Kafr 'Aqab Village Profile* (Jerusalem: ARIJ, 2012), 12.
- 27 Muna Dajani, "Northern Jerusalem or North of Jerusalem? Israel's Land Grab in Process," *Nora Lester Murad* (web log), 31 January 2013, [www.noralestermurad.com/2013/01/31/guest-post-northern-jerusalem-or-north-of-jerusalem-israels-land-grab-in-process-by-muna-dajani/](http://www.noralestermurad.com/2013/01/31/guest-post-northern-jerusalem-or-north-of-jerusalem-israels-land-grab-in-process-by-muna-dajani/). Accessed 2 March 2013.
- 28 Author interview with Abu Ashraf, 14 January 2013.
- 29 ARIJ, *Kafr 'Aqab Village Profile*, 5.
- 30 ARIJ, *Kafr 'Aqab Village Profile*, 8.
- 31 Author interview with Samih Abu-Rumileh, 14 January 2013.
- 32 Author interview with Samih Abu-Rumileh, 14 January 2013.
- 33 Karin Laub, "Beyond the Security Barrier, Building Is Booming," *Times of Israel*, 16 January 2013, [www.timesofisrael.com/beyond-the-security-barrier-building-is-booming/](http://www.timesofisrael.com/beyond-the-security-barrier-building-is-booming/). Accessed 29 January 2013.
- 34 Laub, "Beyond the Security Barrier, Building is Booming."
- 35 Author interview with Samih Abu-Rumileh, 14 January 2013.



- 35 Yanai, *Beyond the Wall*, 4.
- 36 Lara Friedman and Daniel Seidemann, *Jerusalem Neighborhood Profile: Shu'fat Refugee Camp* (Jerusalem: Ir Amim, 2006), 1.
- 37 Abdalla Owais, "The Wall and the Enclaves: Case Studies in Disrupted Communities," in *The Wall: Fragmenting the Palestinian Fabric in Jerusalem* (Jerusalem: International Peace and Cooperation Center), 91.
- 38 The number of residents in the camp fluctuates depending on whom you ask. The Jerusalem Municipality does not provide data on the number of residents in Shu'fat Refugee Camp or the surrounding neighborhoods. See [www.unrwa.org/etemplate.php?id=121](http://www.unrwa.org/etemplate.php?id=121); Owais, "The Wall and the Enclaves," 91.
- 39 UNRWA, "Shu'fat Refugee Camp," [www.unrwa.org/where-we-work/west-bank/camp-profiles?field=12](http://www.unrwa.org/where-we-work/west-bank/camp-profiles?field=12). Accessed 14 December 2012.
- 40 Friedman and Seidemann, *Jerusalem Neighborhood Profile: Shu'fat Refugee Camp*, 1.
- 41 Yanai, *Beyond the Wall*, 6.
- 42 The residents of Shu'fat petitioned the construction of the wall in *Residents of Shu'fat Village and Others v. Certified Authority – Ministry of Security*. The case is unpublished and the residents were unable to alter the route of the wall.
- 43 Prime Minister's Office, "At the Weekly Cabinet Meeting 10.7.05," press release, 7 October 2005, [www.pmo.gov.il/English/MediaCenter/SecretaryAnnouncements/Pages/govmes1007.aspx](http://www.pmo.gov.il/English/MediaCenter/SecretaryAnnouncements/Pages/govmes1007.aspx). Accessed 11 January 2013.
- 44 Prime Minister's Office, "At the Weekly Cabinet Meeting 10.07.05."
- 45 Alexis Thiry and Markus Schlotterbeck, "Shu'fat Refugee Camp: Walled Jerusalem Ghetto Gets More Walls," *972mag* (web log), 22 March 2012, [972mag.com/Shu'fat-refugee-camp-walled-ghetto-in-jerusalem-gets-more-walls/38970](http://972mag.com/Shu'fat-refugee-camp-walled-ghetto-in-jerusalem-gets-more-walls/38970). Accessed 21 January 2013.
- 46 ACRI, "Ras Khamis Checkpoint in East Jerusalem Sealed Off," 19 September 2012, [www.acri.org.il/en/2012/09/19/ras-khamis-checkpoint-sealed-off/](http://www.acri.org.il/en/2012/09/19/ras-khamis-checkpoint-sealed-off/). Accessed 16 January 2013.
- 47 Oz Rosenberg, "Israel Closes Key Jerusalem Checkpoint, Limiting Palestinian Residents' Access," *Haaretz.com*, 27 August 2012, [www.haaretz.com/news/diplomacy-defense/israel-closes-key-jerusalem-checkpoint-limiting-palestinian-residents-access-1.460992](http://www.haaretz.com/news/diplomacy-defense/israel-closes-key-jerusalem-checkpoint-limiting-palestinian-residents-access-1.460992). Accessed 16 January 2013.
- 48 Yanai, *Beyond the Wall*, 8.
- 49 Owais, "The Wall and The Enclaves," cites only two private schools, while the ARIJ report on Shu'fat Refugee Camp names seven private schools. ARIJ, *Shu'fat Camp Profile* (Jerusalem: ARIJ, 2012), 5.
- 50 Owais, "The Wall and the Enclaves," 96. ARIJ, *Shu'fat Camp Profile*, lists over 3,400 students.
- 51 ARIJ, *Shu'fat Camp Profile*, 8; Owais, "The Wall and the Enclaves," 94.
- 52 Ali Waked, "Heart Attack Death Blamed on IDF Delays," *Ynetnews.com*, 24 May 2006, [www.ynetnews.com/articles/0,7340,L-3254854,00.html](http://www.ynetnews.com/articles/0,7340,L-3254854,00.html). Accessed 3 March 2013.
- 53 Oz Rosenberg, "Refugee Camp near Jerusalem Becomes Haven for Drug Dealers," *Haaretz.com*, 11 November 2011, [www.haaretz.com/print-edition/news/refugee-camp-near-jerusalem-becomes-a-haven-for-drug-dealers-1.396700](http://www.haaretz.com/print-edition/news/refugee-camp-near-jerusalem-becomes-a-haven-for-drug-dealers-1.396700). Accessed 6 May 2013.
- 54 Author interview with Abu Khalid, 15 January 2013.
- 55 Author interview with Abu Khalid, 15 January 2013.
- 56 Author interview with Abu 'Ali, 15 January 2013.
- 57 Author interview with Abu 'Ali, 15 January 2013.
- 58 Nir Hasson, "Jerusalem Orders Demolition of Apartment Building in Arab Neighborhoods," *Haaretz.com*, 4 November 2013, [www.haaretz.com/news/diplomacy-defense/.premium-1.556071#](http://www.haaretz.com/news/diplomacy-defense/.premium-1.556071#). Accessed 12 November 2013.
- 59 Elior Levy, "No Man's Land in East Jerusalem," *Ynetnews.com*, 22 January 2011, [www.ynetnews.com/articles/0,7340,L-4017005,00.html](http://www.ynetnews.com/articles/0,7340,L-4017005,00.html). Accessed 3 January 2013.
- 60 Roni Sofer, "Shin Bet: Palestinians Moving to No Man's Land around Jerusalem," *Ynetnews.com*, 18 January 2011, [www.ynetnews.com/articles/0,7340,L-4015651,00.html](http://www.ynetnews.com/articles/0,7340,L-4015651,00.html). Accessed 3 January 2013.
- 61 Levy, "No Man's Land in East Jerusalem."
- 62 Levy, "No Man's Land in East Jerusalem."
- 63 Author interview with Abu 'Ali, 15 January 2013.
- 64 ACRI, "ACRI: Jerusalem Municipality Is Responsible for Its Residents beyond the Barrier," 15 December 2011, [www.acri.org.il/en/2011/12/15/acri-letter-to-mayor-barkat/](http://www.acri.org.il/en/2011/12/15/acri-letter-to-mayor-barkat/). Accessed 8 November 2012.
- 65 Melanie Lidman, "Barkat Seeks Support to Redesign J'lem Borders," *Jerusalem Post*, 22 December 2011, [www.jpost.com/NationalNews/Article.aspx?id=250602](http://www.jpost.com/NationalNews/Article.aspx?id=250602). Accessed 9 January 2013.
- 66 Chaim Levinson and Nir Hasson, "Jerusalem Municipality Asks IDF to Take Responsibility for Residents Who Live East of the Separation Fence," *Haaretz.com*, 24 July 2012, [www.haaretz.com/news/diplomacy-defense/jerusalem-municipality-asks-idf-to-take-responsibility-for-residents-who-live-east-of-the-separation-fence-1.453149](http://www.haaretz.com/news/diplomacy-defense/jerusalem-municipality-asks-idf-to-take-responsibility-for-residents-who-live-east-of-the-separation-fence-1.453149). Accessed 24 April 2014.
- 67 Author interview with Samih Abu-Rumileh, 14 January 2013.