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THE GIANT'S GARDEN: THE "KING'S GARDEN" PLAN IN AL-BUSTAN

The Municipality Plan and its Consequences for the
Residents of the Al-Bustan Neighborhood of Silwan and for
a Future Political Solution

In June 2010 the Local Planning and Building Subcommittee recommended the Jerusalem Municipality's plan for "The King's Garden" in the heart of the Al-Bustan neighborhood of Silwan for deposit to the District Committee. Presently, the Municipality is pressuring the District Planning and Building Committee to expedite discussion of the plan. Meanwhile, the Municipality continues to pursue court proceedings for the demolition of dozens of houses in the neighborhood.

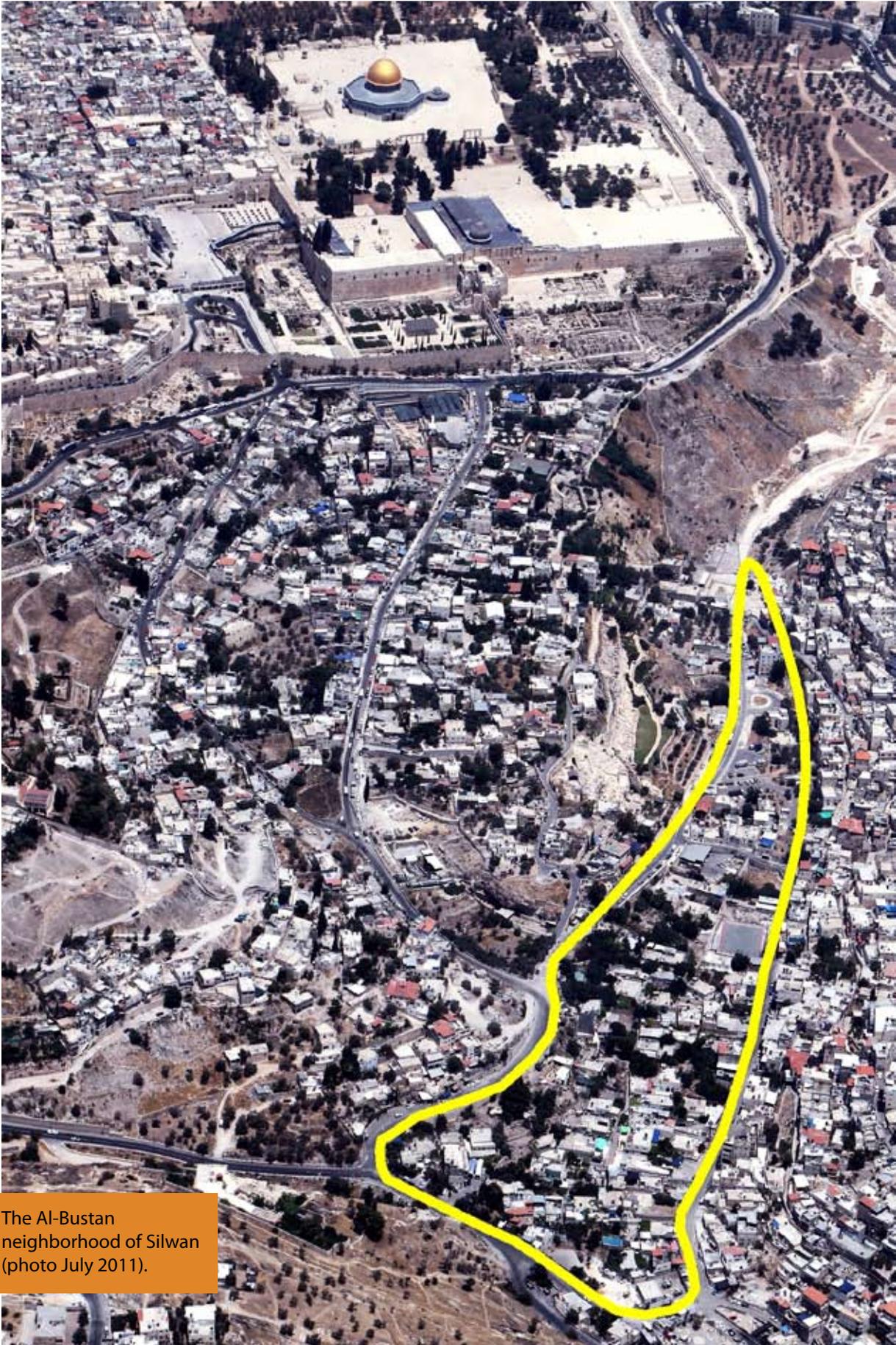
The village of Silwan, with its population of 33,000 Palestinians,¹ is located only dozens of meters from the walls of the Old City and Temple Mount/Haram al-Sharif. Since the late 1980s, settlers have been moving into Silwan. The City of David site in the center of Silwan—managed by the Elad settler organization—and additional settlements located throughout the neighborhood, have intensified tension with local residents.

This report finds that a much larger number of buildings in the Al-Bustan neighborhood are expected to be demolished than the number originally declared by the Municipality. Furthermore, the solution offered by the Municipality—a kind of evacuation-construction plan according to which new houses will be constructed before the old ones are demolished—is not feasible; moreover, the Municipality is simultaneously working to cancel the plan.

As this report will describe, the residents of Al-Bustan are concerned not only by the threat of bulldozers razing dozens of their homes as a result of the Municipality's intentions, but also by the fact that if the King's Garden plan in the heart of Silwan is approved, it will create a contiguity of settlements that will further erode the character of the neighborhood and its fabric of life.

The purpose of this paper is to present a current picture of the consequences of the Municipality's plan for the residents of the neighborhood and on the possibility of a future political solution. The picture that emerges is one of grave and lasting injustice perpetuated under the auspices of the authorities, the results of which will be devastating not only for the residents of the neighborhood but also for the possibility of a political solution in Jerusalem.

1 Jerusalem Statistical Yearbook 2009-2010, Jerusalem Institute for Israel Studies, Jerusalem, 2010. The figure refers to the area the Palestinians call Silwan.



The Al-Bustan neighborhood of Silwan (photo July 2011).

Photo by: Ahmad Mustafa S.L.

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a. Introduction

The "King's Garden" plan (plan no. 18000) was initiated and drawn up by the Municipality of Jerusalem and covers 54 dunams in the Al-Bustan neighborhood in the heart of Silwan, southeast of the walls of the Old City and nearby to the Temple Mount/Haram al-Sharif.

This plan is a continuation of municipal proceedings that began in early 2005 with the delivery of an ongoing series of demolition orders to the residents of the neighborhood of Al-Bustan, following demands by the city engineer to evacuate the area for the creation of an archaeological touristic park called "the King's Valley." News of the plan aroused international public criticism that contributed to freezing of the process. Mayor Lupolianski made the decision to give residents the opportunity to settle the status of their homes in the valley and so began planning efforts by the residents, all of which have been rejected by the planning authorities. The residents' latest plan has been presented to the District Planning and Building Committee and the residents are asking for it to be heard alongside the city's plan.

The residents claim there are currently about 100 buildings in Al-Bustan built by residents on land they own. Contrary to the Municipality's statements, the plan approved by the Local Committee to develop the King's Garden gravely threatens the welfare of those residents.

The Municipality's plan designates the neighborhood as a mixed tourism-housing area: according to the principles of the plan relevant to the matter at hand, the eastern part of the neighborhood will be designated for housing and storefronts, its southern part for hotels and its western part for a park. The residents who live in the western part of the neighborhood will be evicted, their homes will be demolished and they will be given permission to build in the eastern part of the neighborhood.

On June 21, 2010, the Local Planning and Building Subcommittee (comprised of representatives of members of the Jerusalem City Council) recommended the Municipality's plan for deposit to the Jerusalem District Planning and Building Committee. It was reported that the subcommittee's decision was made only after Mayor Nir Barkat imposed coalition discipline on the members of the subcommittee.²

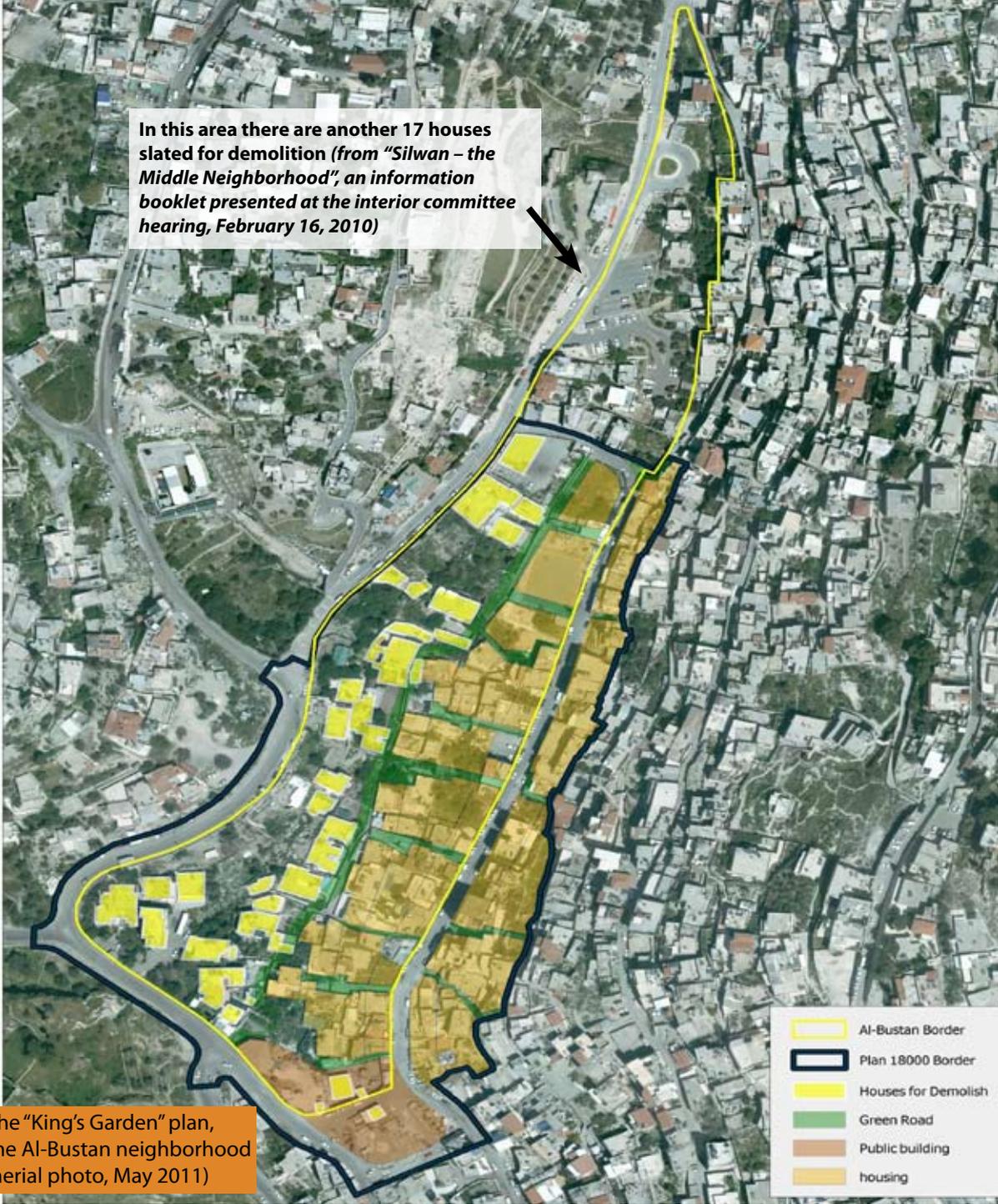
The plan has not yet been discussed in the District Planning and Building Committee; therefore, on October 25, 2011, the legal advisor for the Municipality, Atty. Amnon Merhav, made a firm demand that the committee put the plan on the agenda for discussion (*link here to the letter*). Atty. Merhav ended his letter with the following words: "I feel obligated to emphasize that the Municipality of Jerusalem is determined to pursue approval of these plans and will do so with all legal means at its disposal."

The Municipality's plan involves the planned demolition of dozens of homes in the neighborhood. According to the Municipality's version, there are twenty-two houses slated for demolition as a result of the plan and those houses will be demolished only after their

² Administrative Appeal 26766-07-10, Dr. Meir Margalit et al v Jerusalem Municipality et al. The appeal was rejected in a decision from January 19, 2011 on the grounds that it was premature.

owners are given the option of building in an area designated under another part of the plan. But, as will be further elaborated below, Ir Amim has found that there are **fifty-six** buildings slated for demolition in the neighborhood as a whole and the building option outlined in the plan does not appear feasible under the present circumstances.

The Municipality’s plan, if approved, will nullify the residents' plans, which provide concrete solutions to all of their existing needs. Moreover, the Municipality’s plan will expand and deepen contiguity of settlements in the heart of Silwan and encourage the further application of discriminatory planning practices.



b. Dead End: A Discriminatory Planning Policy

The Municipality claims that most of the houses slated for demolition were built without required permits. However, the number of building offenses in East Jerusalem cannot be evaluated without considering the radically low number of building permits awarded in the area and the size limitations imposed when building is made possible. The extremely high number of building offenses throughout East Jerusalem indicates a constitutional failure of the planning system to meet the real needs of its residents or to provide solutions to their lack of building options.

The planning process in East Jerusalem is rife with restrictions, complexities and difficulties that derive from the city's unique planning, legal and political situation.³ Residents face challenges at every stage of the planning and enforcement process, including those situations in which building permits have been obtained:

- The need to prove land ownership: The planning and building law allows planning by a private party, as long as that party presents proof of land registration in its name in the land registry. Historically, in large parts of East Jerusalem no system existed to manage land arrangements or registration of land ownership by registration blocs and plots in the land registry (tabu). A process for land agreements in East Jerusalem was initiated during the Jordanian era but Israel froze it for political and legal reasons⁴. In the case of unregistered land, the most common situation in East Jerusalem, the law demands proof of an ownership association between the applicant and the land as a substitute for proof of ownership. The applicant may submit proof in the form of affidavits from such parties as neighbors, the village mukhtar or a lawyer. Most residents are reluctant to utilize this procedure, in part because they do not recognize Israel's authority over the area but primarily because use of this channel often exposes them to the risk that ownership will be denied through the registration process and Israel might use a broad interpretation of the absentee property law to expropriate the land. Until recently, the planning authorities in Jerusalem imposed yet additional requirements for opening a building registration file, a de facto prevention of Palestinians being able to exercise building rights on their land.
- Beyond these risks, the complex process of obtaining building permits in East Jerusalem is a costly one, putting it far beyond the means of most of the population of East Jerusalem, more than 75% of whom are living below the poverty line.
- The areas allocated for Palestinian building in Jerusalem are severely limited: About one third of the area annexed to Jerusalem has been expropriated to build Jewish neighborhoods, 35% of the planned area has been designated as a no building zone ("green") and building rights authorized are usually considerably lower than in the Jewish areas.

3 Nati Marom, "The Planning Deadlock: Planning Policy, Land Arrangements, Building Permits and House Demolitions in East Jerusalem," Jerusalem: Ir Shalem and Bimkom, 2004.

4 ⁴"Making Bricks Without Straw: The Jerusalem Municipality's New Planning Policy for East Jerusalem," Ir Amim and Bimkom report, January 2010.

The planning authorities have abdicated their responsibility to pursue a just building policy that would provide even a rudimentary solution to the basic needs of the residents of Silwan. The planning policy in Jerusalem not only fails to provide a comprehensive plan to address the needs of the Palestinian population of East Jerusalem; it is designed to maintain a "demographic balance" between Jews and Palestinians in Jerusalem. "Preserving the demographic balance" is a euphemism for deliberate discrimination—a violation of constitutional rights, including the basic right to shelter. Responding to the rapid natural growth of the Palestinian population, the Israeli authorities utilize planning as a tool to restrict—whether by action or inaction—building and development in Palestinian neighborhoods. This situation is true of East Jerusalem in general and for Silwan in particular.

c. Al-Bustan: The Non-granting of Permits and Rejection of Residents' Plans⁵

Silwan, including Al-Bustan, was included in the first outline plan approved for East Jerusalem in 1977 (AM/9). According to this plan, the area of Al-Bustan was designated as an open public area, meaning that it is a green area that can be legally expropriated by the Municipality. To date, no part of the land has yet been expropriated. Provisions of the plan note that the area is partially developed and the plan allows for the maintenance of existing buildings and their current uses.⁶

A detailed plan approved for Silwan in 1987 did not allow for building in the Al-Bustan neighborhood.⁷ As far as can be determined, no building permits have been issued for home building in Al-Bustan since 1977 (excepting a building permit awarded for one single house that is currently under threat of demolition). Therefore, no solution has ever been offered for a population that has grown more than fourfold over the ensuing years, not even to contain its natural growth.

According to the policy of the Municipality, which was approved by the attorney general, the municipality does not initiate legal actions against buildings built before 1992 (21 buildings).

During 2005, the residents of Al-Bustan began receiving a steady barrage of demolition orders against their homes, even though all of the homes were built by private land owners who had resided on their land in Silwan for decades, possessed documentation proving ownership and had access to no other options for building in the neighborhood. The

5 Our thanks to Bimkom, Planners for Planning Rights, which provided the planning information in this section.

6 "From Public to National - National Parks in East Jerusalem," Bimkom, Jerusalem 2012, p. 4: <http://eng.bimkom.org/Uploads/30nationalparks.pdf>.

7 Nati Marom, "The Planning Deadlock: Planning Policy, Land Arrangements, Building Permits and House Demolitions in East Jerusalem," Ir Shalem and Bimkom, Jerusalem, December 2004, p. 36.

residents claim that some tried to submit local plans to legalize the construction of their homes over the years, all of which were rejected by the Municipality of Jerusalem.

An inquiry made to the Municipality found that the demolition orders were issued at the request of then city engineer Uri Shetreet, with the goal of evacuating the area in order to build an archaeological tourism park called the King's Valley. That year, two houses in the neighborhood were demolished.

News of the plan to uproot some 100 Palestinian families from their land aroused international criticism, resulting in intervention that froze the process. Mayor Lupolianski provided an opportunity for residents to settle the status of their homes in the Valley, which launched planning efforts by the residents.



House demolition in Al-Bustan, November 2008

Residents' Planning of the Neighborhood—Part 1 (plan no. 11641)

The residents of Al-Bustan wasted no time initiating their plans, contracting with architect Ayala Ronel and planner Imad Abu Khader in July 2005. Within a little over a year the residents had developed a new plan for the neighborhood, including a comprehensive range of uses such as housing, educational institutions, parks, commerce and parking, that would have enhanced the quality of life in the neighborhood.

Although the plan was coordinated with various Municipality departments and the district planner in the Ministry of the Interior, the planning institutions turned their backs on the plan and in March 2009, following a policy review, it was rejected by the District Committee. The discussion that preceded the plan's rejection did not make reference to its details or to proposed housing solutions; rather, it focused exclusively on the land in question being an open landscape area that should be maintained as an open area.

After the decision by the District Committee, the residents of Al-Bustan erected a protest tent, which continues to serve as a center for their ongoing struggle.⁸

⁸ An administrative demolition order was recently issued against the protest tent and subsequently cancelled by the court (case number 902/2012).

In the words of Fakhri Abu Diab, resident of Al-Bustan, owner of plot 59 and chairman of the Silwan neighborhood committee:

"I was born in our home in the neighborhood of Al-Bustan in the village of Silwan. I was born 50 years ago in this little house. My family was nice and quiet. There was no occupation at that time ruining our lives. My late mother worked the land with my father. This is the land my parents inherited from their grandparents. Mother was responsible for the agriculture and crops, providing the fruit and grain we ate. Father helped mother when he got home from work. He sold our crops and my older brothers helped mother. Luckily, our Al-Bustan had a spring so that we could work the land all year round. We were very happy.

After Israel occupied al-Quds, and after my older brothers married and had children, our family grew. In the early 1980s I got married and was very determined to continue living in this house where I was born, and where I can still smell the smell of the land around us and the smells of mother, as pleasant as the smells of nature.

After I got married I wanted to expand the house to make room for me and my children. I tried many times to convince the Municipality to give me a building permit, but in vain. My case is just like all the other residents of the neighborhood whose applications for building permits on their private land were rejected by the Municipality, and who were prevented from building houses, on the grounds that 'it is a green area where thousands of years ago King David walked.' The Municipality does not let us build houses anywhere in the neighborhood. What else could we do when we discovered that the Municipality has political motives, and wants to evict all of the residents of the neighborhood and turn it into a national park to serves its private legends? The Municipality does not understand that people and families are more important than gardens, and that gardens are made for the welfare of residents and not at the expense of their right to live in their own houses. And that history and the present are important to everyone and not just to a certain group.

Our troubles began in 2005, when the Municipality came to destroy the whole neighborhood and evict us all so that the children, women and old people would remain without shelters and homes. I received a demolition order for my house and from that moment our world has been turned upside down. All I can think about has been 'when are they going to demolish our house and where are we going to live?' Everything has turned black. All of the moments of joy and happiness have been stolen from our hearts and all we're doing is waiting for the moment that our lives stop when they demolish our house. Our childhood will be destroyed and erased with all of our past. And we hope our hearts don't die."

فخري ابو دياب -ولدت في بيتنا الذي في حي البستان في قرية سلوان

قبل خمسين عام ولدت في هذا البيت الصغير, وكانت عائلة هادئة جميلة لم يكن وقتها احتلال ينغص الحياة علينا والدتي كانت ترعى الارض التي ورثتها هي ووالدي من اجدادهم كانت والدتي مسؤولة عن زراعة الارض ومنها كنا نأكل ووالدي كان يساعدنا في بعض الاحيان بعد عودته من عملة وكان مسؤولا عن بيع وتسويق ما تزرعه وكان اخوتي الكبار يساعدونها في الارض وكان حظ البستان الذي في نعيش ومنه نعتاس ان وجدت به نبع ماء ليستمر العمل والعطاء مدار العام وكنا هانئين راضين.

وبعد الاحتلال الاسرائيلي للقدس زاد عدد افراد العائلة بعد ان تزوج الاخوة وانجبوا وفي بدايات الثمانينات تزوجت وكان اصراي على ان اعيش بهذا البيت الذي ولدت فيه وبه رائحة الارض ورائحة والدتي التي كانت رائحتها ممزوجة برائحة الارض وعطر الطبيعة .

وبعد ان تزوجت اردت ان يكون البيت اكبر ليتسع لي ولاولادي فمرارا حاولت مع بلدية القدس لكي احصل على رخصة ولكن عبثا مثل كل اهل الحي الذين رفضت البلدية ان يقوموا ببناء مساكن لهم في ارضهم الخاصة ومنعتهم من ان يبنا بيوتا

مدعية ان "الارض خضراء وانها كانت قبل الاف السنين موقعا يتجول به الملك داود" وهي لاتسمح لهم بالبناء في اي موقع اخر بالبلد فما العمل اذا وقد ادرك الجميع ان البلدية لها اهداف سياسية ومخططات لطرد السكان من الحي وتحويله لحديقة وطنية تخدم اساطيرها الخاصة, ولم تفهم البلدية ان البشر والعائلات اهم من الحدائق وان الحدائق تقام لرفاهية الناس وليس على حساب حقهم بان يكون لهم منزل يؤويهم وان التاريخ والماضي مهم للجميع وليس لفئة معينة على حساب اخرى وبدأت المعاناة في عام 2005 حيث ارادت البلدية هدم كل الحي وطرد السكان لكي يصبح الاطفال والنساء والشيوخ بدون مأوى, وتسلمت امر الهدم لمنزلي ومن تلك اللحظة اصبح همنا الوحيد وتفكيرنا ومعيشتنا تنصب على- متى سيهدمون بيتنا حياتنا -واين سنعيش. اسودت الدنيا وسرقت لحظات السعادة من قلوبنا واصبحنا ننتظر ساعة توقف الحياة بهدم البيت الذي به طفولتنا وماضيها ونخطط لكي لا يكون ميت قلبنا.

Residents' Planning of the Neighborhood—Part 2 (plan no. 14017)

Rejection of the plan did not derail the residents' efforts. Then newly elected mayor, Nir Barkat, initially chose to follow his predecessor's approach and tested the residents' potential response to eviction. Determining they would resist evacuation, the mayor hired architect Shlomo Rahamimov to plan the neighborhood. Meanwhile, the residents countered by hiring Dr. Yousef Jabareen, a senior lecturer at the Technion and internationally renowned city planner who attempted to coordinate the development of a neighborhood plan with the Municipality's planner.

The residents' second plan aspired to base the organization of construction and neighborhood development on the needs and welfare of its residents. The plan acknowledged the need to create open areas and tourist gardens, combined with commerce areas and public services, and provided adequate solutions to those planning considerations.

On April 6, 2010, about two months prior to the Planning and Building Subcommittee's approval of the Municipality's plan for the area, the residents submitted their plan to the appropriate planning bodies. The residents claimed they had submitted their plan prior to submission of the Municipality plan. Their plan was submitted after a March 2010 press conference in which the mayor announced his intention to present a plan for the demolition of dozens of homes in Al-Bustan and the expropriation of most of its land.

The Planning and Building Subcommittee recommended rejection of the residents' plan, which is now up for discussion by the District Planning and Building Committee. The residents have requested that their proposal be discussed jointly with the Municipality's plan.

Despite the Municipality's statements to the contrary, the plan approved by the Local Committee to develop the Kings' Garden is not intended for the welfare of the residents; rather, it ignores the real needs and aspirations of the neighborhood's residents.

d. The Right to Housing: Between Demolition and Expropriation

A presentation prepared by the Jerusalem Municipality indicates that the Al-Bustan plan includes the demolition of 22 buildings, while legalizing some additional structures. The blueprint and planning regulations, however, reveal that the number of buildings slated for demolition is larger and that the solution offered to those whose homes will be demolished is not tenable.

According to the plan's blueprint, **34 buildings** in the area are designated for demolition, rather than the 22 claimed by the Municipality. The blueprint also indicates that the northern section of the Al-Bustan neighborhood, which constitutes an integral part of the community, is completely absent from the plan even though it is known to contain **17 buildings slated for demolition** by the Municipality.

Meanwhile, in the plan's treatment of the eastern part of the neighborhood—which is designated for housing—the blueprint shows green paths, some of which run through a

built-up area. It is unclear what will happen to the **5 buildings** traversed by green paths on the blueprint.

Furthermore, according to planning regulations, the entire area covered by the plan will be registered as Municipality land, meaning not only that buildings will be demolished, but that the entire area could be expropriated by the Municipality.

Therefore, contrary to what has been written in official publications, **a total of 56 buildings are expected to be demolished in Al-Bustan:** 34 as part of the plan under discussion here and possibly 5 additional buildings. Further, a minimum of 17 additional buildings in the plan's designated area are slated for demolition in another part of the same neighborhood.

What this means is that about half of the buildings standing in the neighborhood today are slated for demolition. Dozens of buildings housing hundreds of people—including dozens of families who built on land they own, and who were given no alternative options for living in the neighborhood in which they grew up—are slated for demolition. The threat of expropriation hangs heavily over the entire area.

e. The Municipality is Offering Evacuation-Construction... Or Is It?

According to the Municipality's plan, houses are intended to be demolished only after residents receive alternative housing. Consequently, condensation and construction will precede demolition—the reverse of normal procedure.

But this proposed solution does not appear to be feasible. In order for the solution to be realized, the people evicted from the western part of Al-Bustan, against whose homes demolition orders are pending, will find themselves in the position of having to build alternative housing. In most cases, the space designated for alternative housing is on top of existing housing in the eastern part of the area; which is to say, in a built-up area, on the private land of other families. Such an arrangement could only be executed if the family currently on the land reaches agreement with the residents who have been evicted. Once an agreement is reached, the owners of the buildings in the eastern side of the area would have to request building permits, and only once said permits are obtained would the designated demolition of the houses in the western part of the plan take place and the buildings in the eastern part be legalized. The entire process would have to occur within a predetermined period; if not, the houses on both sides of the plan—the east and the west—would be torn down.

However, as described above, obtaining building permits in this area is next to impossible. Requesting a building permit can jeopardize home owners on the east side who fear ownership of their current residences may be denied, as well as being a cost prohibitive process for most residents. Moreover, the negotiation challenges posed by evicted east side residents requesting to build on top of their neighbors on the west side all but preclude the likelihood of such arrangements.

Some time ago the Municipality went even further in their efforts to develop Al-Bustan: On August 22, 2011, the Municipality's legal advisor, Adv. Amnon Merhav, wrote to the Local

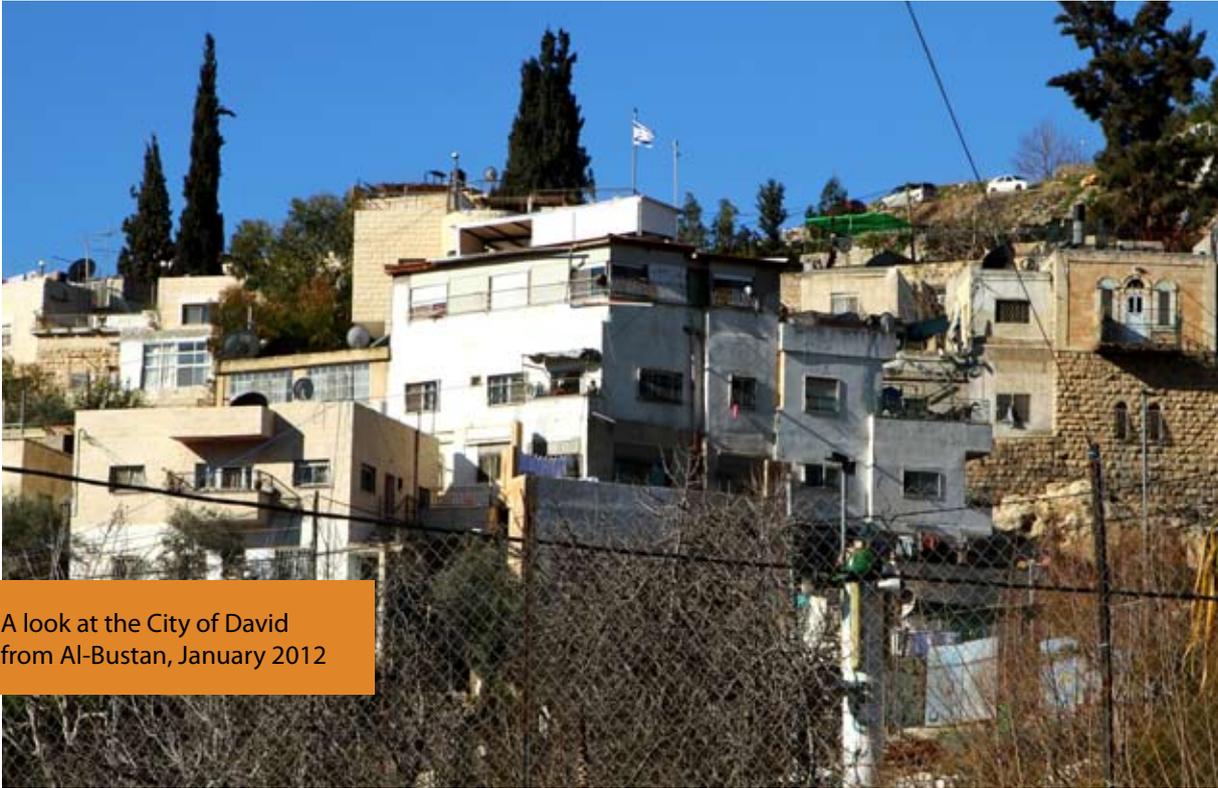
Planning and Building Committee that he intended to argue before the District Planning and Building Committee for cancellation of the article in the planning regulations allowing for the construction-demolition mechanism. According to Merhav, the Municipality did not have the authority to include that article in the plan's regulations. ([link here to the letter](#)).

Although the residents were informed by legal counsel that the Municipality's legal advisor lacked the authority to argue for cancellation of an article of a plan already approved by the District Planning and Building Committee, Merhav's action nonetheless raised new doubts as to whether the said article would allow for the construction of alternative housing.

f. Contiguity of Settlement in the Heart of Silwan

Since the early 1990's, Silwan has become a focus area for Jewish settlement, mainly promoted by the Elad organization and supported by questionable practices employed by the authorities. Because of the proximity of Silwan to the Jewish Quarter of the Old City and the Temple Mount/Haram al-Sharif, Israel has made ongoing unilateral efforts in the last decades to strengthen the area's Jewish character.

There are presently 60-70 Jewish families living in Silwan and management of the City of David national park in Silwan has been handed to the Elad settler organization. These events are all occurring within a densely populated Palestinian area. A variety of strategies have been employed to transfer ownership of properties in Silwan: seizure of houses declared to be "absentee property" (based on a broad interpretation of the absentee property law generally opposed by attorneys in the past); the transfer of properties claimed to have been



A look at the City of David from Al-Bustan, January 2012

owned by Jews before 1948; purchase of properties in convoluted transactions; and the massive transfer of public properties and land to the exclusive control of Elad with no proper or transparent administrative process.

Furthermore, on December 28, 2011, the Local Building and Planning Subcommittee recommended the deposit of two more building projects in Silwan involving Elad: if authorized, one plan (submitted by Maaleh David, a company controlled by Elad), the “Kedem complex” ([link to the plan](#)), would allow for the construction of a massive visitors’ center in the area called the “Givati Parking Lot,” in an area covering 16,600 vertical square meters. This plan was approved for deposit by the district committee on 13/2/12. Another plan (initiated by Elad) is for a museum, visitors’ center and excavations in the “Beit Hamahayan,” part of which is within the City of David complex ([link to the plan](#)).

The area the Municipality has designated for the King’s Garden is near the City of David site in Silwan. Given the additional plans proposed for the area, residents and their supporters are concerned that there is a more insidious agenda operating behind the King’s Garden plan—namely, creating contiguity of land controlled by settler organizations whose mission is to Judaize East Jerusalem, in the middle of a Palestinian neighborhood.⁹

This settlement contiguity will make the lives of the people of Silwan even more unbearable. In recent years they have watched as settlers take over their yards; endured large scale excavations under their homes, which they fear to be the cause of numerous road collapses and potholes; suffered frequent confrontations with settlers, often ending in illegal child arrests; and been subjected to private security guards who have allegedly taken a resident's life¹⁰.

Settlement contiguity is a major obstacle to any future political resolution of Jerusalem.

g. Planning of the Garden as a Political-Demographic Tool

As argued in a recent report by Bimkom, Planners for Planning Rights: "Despite the professional and apolitical facade of the planning and declaration of national parks, the picture appears to be more complex. In certain cases and places, it appears that the planning and declaration of national parks and nature reserves serves not only to protect natural and heritage assets and valuable open areas, but also serves as an instrument to limit the building and development of the Palestinian population. This phenomenon is widespread and particularly acute in the Palestinian neighborhoods of East Jerusalem."¹¹ The report

9 See Ir Amim report about the collapse of Israel’s official government systems when they reach the borders of Silwan, “Shady Dealings in Silwan,” May 2009, <http://www.ir-amim.org.il/eng/Uploads/dbsAttachedFiles/Silwanreporteng.pdf>, and the petition by Ir Amim and public figures against the privatization of the site and its handover to Elad (HCJ 5031/10). The verdict on that petition was given on March 26, 2012. The verdict rejected the petition, but increased and reaffirmed considerable restrictions of Elad’s powers at the site.

10 For example see the petition by the Association of Civil Rights in Israel against private security guards: <http://www.acri.org.il/he/?p=17285> and the B’Tselem report about child arrests: http://www.btselem.org/publications/fulltext/201012_caution_children_ahead.

11 “From Public to National: National Parks in East Jerusalem,” Bimkom, Jerusalem 2012, <http://eng.bimkom>.

goes on to state that one of the most salient features of existing plans for the Palestinian neighborhoods of East Jerusalem is the proliferation of "green areas" designated as open spaces, which constitute some 35% of the planned area (p. 6).

The King's Garden is another "green" area planned to be an open public space, though it is located in the middle of an overcrowded Palestinian neighborhood. That such a plan involves the massive demolition of Palestinian homes, and a drastic change of the neighborhood's character from a Palestinian residential neighborhood to an archaeological park under Israeli control, raises more than reasonable concerns that the planning tool of "greening" is once again being used to establish political facts on the ground.

h. Epilogue: No Shelter, No Political Solution

The Municipality's plan for the King's Garden is the latest in a series of measures that are destructive both to the stability of life in the city and to the possibility of a comprehensive political solution for Jerusalem. Moreover, the planning failures and neglect that have endured for decades has caused and continues to cause the residents of Silwan to live with substandard—and sometimes nonexistent—municipal infrastructures, continuous privation and the absence of even basic public services. Consciousness raising among the Israeli public about the right to housing and the duty of the authorities to make affordable housing available cannot coincide with house demolitions and a planning policy that traps Palestinian residents between illegally residing in their own homes and homelessness.

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Atty. Ziad Kavar, who represents the residents in demolition cases and opposition to the municipal plan

Hagit Ofran, Peace Now

Architects Efrat Cohen-Bar and **Sari Kronish** of Bimkom, Planners for Planning Rights