

What's Behind the Latest Flare-up in Jerusalem, and What Israel Can Do to Defuse Tensions

Who lived in East Jerusalem's Sheikh Jarrah neighborhood before the 1948 Israeli-Arab war, how did right-wing groups gain control of land there and what turned the fight into a cause for Palestinians everywhere?

Nir Hasson May. 7, 2021 10:37 PM, Updated: May. 8, 2021 8:38 AM



Police in East Jerusalem on Friday evening Credit: Ohad Zwigenberg

Palestinians in East Jerusalem's Sheikh Jarrah neighborhood are fighting their eviction by organizations seeking to settle Jews in the area.

Over the past week, dozens of Palestinians have gathered every evening for the breaking of the daily fast during the month of Ramadan. Their base: across from one of the buildings that Israelis have moved into.

But the latest demonstrations and clashes are the culmination of decades of tensions and legal battles over the fate of the neighborhood, which sits just north of the Old City.

Who lived in Sheikh Jarrah before the 1948 war?

In 1876, Jerusalem's Sephardic and Ashkenazi communities bought a plot of land near the tomb of Shimon Hatzaddik, a Jewish high priest from ancient times. A small Jewish neighborhood was founded on part of the land.

When war broke out in 1948, many people fled their homes; the vast majority were Arabs who left behind much property on the western side of the armistice line, while a minority were Jews who left behind relatively little property on the eastern side.

In most cases, Jewish refugees received compensation for the property they left behind. In 1956, the Jordanian government and the United Nations built 28 small homes at Sheikh Jarrah, east of the line, to house Palestinian refugees.



An Israeli policeman and a Palestinian in Sheikh Jarrah Thursday night. Credit: Ammar Awad / Reuters

How did right-wing Israeli organizations obtain land there?

Israeli law is very clear that only Jews are eligible to seek and receive land left behind on the other side. The state seized all Palestinian property under the Absentee Property Law. Settler organizations jumped on the Jewish properties left behind and started buying rights to them from the original heirs, including some Jewish families from the western section of Sheikh Jarrah and the two Jewish committees, the Sephardi and Ashkenazi, on the eastern side.

In 2003, the committees asked a rabbinical court to cancel the religious trust on the land (banning the sale of it). The court permitted the sale, and shortly thereafter the land was sold to the company Nahalat Shimon, which is owned by the American company Nahalat Shimon International. The American company is registered in Delaware, known for corporate laws

that stymie transparency; for example, it's impossible to know who owns shares in the company.

Nahalat Shimon (and before that the two committees) launched a legal battle to evict the refugees' descendants from their homes. The company also crafted a plan to demolish the neighborhood and build 200 housing units there.

So far, the company has managed to evict four families. Another 13 households, numbering 300 people, face the danger of immediate eviction after losing in the courts. This Monday, Jerusalem Day, the Supreme Court will hear the appeal of three families against eviction orders.

What made the conflict a cause célèbre for Palestinians everywhere?

The settlers have portrayed the conflict as a legal battle over real estate, but neighborhood residents, helped by left-wing activists in Jerusalem, depict it as a fight against Judaization and discrimination in the capital. In recent weeks, as hundreds of residents faced eviction, and amid tension during Ramadan at Damascus Gate and the postponement of the Palestinian general election, the struggle spilled beyond Jerusalem's borders. Arab Israelis, the Arab world, international media outlets and, above all, Palestinians in Jerusalem have taken an interest in the fight.

Israel intends to evict 300 people from their homes in favor of Jews based on lawsuits to realize property claims from before 1948. But this could open a Pandora's box: According to conservative estimates, 30 percent of West Jerusalem real estate was owned by Arabs before 1948.



A Palestinian being arrested by Israeli police in Sheikh Jarrah Thursday night. Credit: Ammar Awad / Reuters

What is the solution?

In 2010, two researchers at the Jerusalem Institute for Policy Research, Prof. Yitzhak Reiter and Lior Lehrs, proposed a simple solution: expropriating land from Nahalat Shimon. Since 1967, the state has expropriated tens of thousands of dunams from private Palestinian landowners to build huge Israeli neighborhoods in East Jerusalem.

The thinking is, why shouldn't the state opt for a small expropriation, this time from Jews for the benefit of Palestinians? Only the finance minister's signature is needed to expropriate the few dunams on which the Sheikh Jarrah residents live. The land would be handed over to the Palestinians or remain in state hands, ensuring their presence. Nahalat Shimon would be compensated in return.

In their proposal, Reiter and Lehrs quote an opinion by a deputy attorney general from the past, Menachem Mazuz. In 1999, in response to a similar incident, Mazuz referred to the government's authority to expropriate property for a "public need." "It is unacceptable that the government is authorized to expropriate land for cultural or environmental needs or to prevent unemployment, but is not authorized to expropriate land for diplomatic considerations," Mazuz wrote.

It is believed that this solution would ease tensions at a potential flash point for violence in the capital, improve Israel's international standing and Israeli-Palestinian relations in Jerusalem, be a confidence-building measure ahead of renewed negotiations with the Palestinians, remove an issue from the agenda of the International Criminal Court in The Hague, and weaken the Palestinian demand for opening a debate on property left behind in 1948.

Is there a chance of this solution happening?

The fight in Sheikh Jarrah has been waged for three decades on two fronts – in the courts and on the streets. In the courtroom, it gives the impression of a simple legal battle over land, but Palestinians say the state has tied their hands with discriminatory laws.

On the streets, the state – using huge contingents of police forces – stands beside the Jewish settlers and regularly attacks Palestinians trying to protest, despite all the tension.