



[Position Paper, October 2020]

The Cable Car Project to the Old City of Jerusalem

Israeli National Infrastructure Plan #86:

“Disneyland Overrides the Holy Land”

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 **HEINRICH BÖLL STIFTUNG**
PALESTINE AND JORDAN

The **Arab Center for Alternative Planning** is working to monitor, follow-up and respond to major planning endeavors advanced by Israeli authorities in Jerusalem, which aim at altering the Palestinian identity and native characteristics of the Eastern part of the city.

Since the occupation of East Jerusalem in 1967, the Jerusalem Municipality, the Government of Israel, Zionist and settler organizations supported by local and international sponsors, and some foreign political entities, have advanced various initiatives and projects with the purpose of creating the false impression that Jerusalem is a united city. Most of these initiatives were imposed on the Palestinian quarters of the city, and intended to highlight the Jewish features of Jerusalem's history.

Intra-urban infrastructure projects connecting East and West Jerusalem are at the top of the list of seemingly essential services for the entire population of the city, but they in fact carry cynical political and national implications. Transportation modes provide basic mobility services to residents, but in fact are exploited to achieve control, forced unification, Judaization and to externalize sovereignty and power by the Jerusalem Municipality and the Israeli state more broadly. Major ring roads encircling the greater Jerusalem area, the Trans-Jerusalem light-train route, and the underground train to and near the Old City walls (still in the early planning stages) are examples of the transportation honey-trap set to establish and strengthen control.

The Cable Car project uses seemingly essential transportation and mobility needs to East Jerusalem as an additional tool to implement these national ambitions and practices. It is not strange that settlers' associations and supporters, side by side with extreme right-wing politicians, are collaborating in order to facilitate and enhance its implementation taking advantage of the current political situation sympathetic to the project's sponsors.

This position paper deals with the Cable Car to the Old City of Jerusalem. The sponsors of the project promote it as the solution to transportation inadequacies near Dung Gate, which is located near the southeastern corner of the Western Wall. The paper includes description of the project's physical structure, its evolution in the planning system until its approval, and analyzes its impacts and shortcomings on several aspects of life in Jerusalem.

THE CABLE CAR PROJECT – BRIEF DESCRIPTION

In November 2019 The National Infrastructure Plan #86: “Cable Car to the Old City of Jerusalem” (hereinafter: The Plan, or The Project, or The Cable Cars) was announced for final approval in the official gazette of the State of Israel.

The objective of the plan, according to its sponsors, is:

Create a planning framework for the establishment of complementary transport vehicles, for the planned mass-transit system in Jerusalem, in order to improve access to the southern basin of the Old City. The project aims to provide a sustainable and clean non-polluting transport solution, with limited scenic effects, and with a minimal area of view. In addition to being a transportation tool that can significantly reduce traffic jams in the tourist areas, it serves also as means to strengthen domestic and foreign tourism to these historical sites.

The project has been promoted officially by the Jerusalem Municipality, the Jerusalem Development Authority and the Ministry of Tourism. Behind the scenes and below the surface, the Elad organization and other settler bodies provided unlimited support and pushed hard to approve the plan as soon as possible, taking advantage of the political circumstances which prevailed during the year 2019—that of an extreme right-wing, transitional government controlled by settler parties. The cost of the project is estimated at NIS 200 million, and, if erected, is scheduled to open in 2021.

At the present time, there is overcrowding and traffic congestion in the Southern Basin of the

Old City of Jerusalem causing rising noise levels and air pollution in the area. The topographic characteristics and road infrastructure cause traffic jams around the access points into the Old City. In addition, there is limited open public space in comparison with the great volume of pedestrians who visit there with growing numbers every year.

The length of the Cable Car route is about 1400 meters. Along the route, 15 huge pillars will support the Cable Car structure along which the cabins will travel. The Cable Car starts from “Station A” located at the old train station complex in West Jerusalem, known as the “First Station”. From there, the route heads to the east, crossing over the southern edge of the “Bible Hill” reaching “Station B”, located in the “Blind Garden”, which is intended to serve as a “discontinuity” station for changing the direction of the Cable Cars, and will include an underground cabin depot. From “Station B”, the Cable Car route continues north, crossing the Palestinian quarter of Abu Tor, and Hinnom Valley. Afterwards, it reaches “Station C”, located at the Mount Zion parking lot. Then the Cable Car route continues to “Station D” located above the Kedem Center in the Givati parking lot area, near Dung Gate. The controversial Kedem Tourist Center, promoted by the right wing settler organization Elad is currently under construction at the main entrance of Silwan, a major Palestinian neighborhood in East Jerusalem. The Cable Car route passes over the northern parts of Silwan and Wadi Helweh neighborhoods.

According to preliminary estimates, the Cable Car capacity will reach 3,000 passengers in each direction during peak hours.

The following figures show aerial, historical and administrative maps of Jerusalem in general and the location of the Cable Car route, plans of the project, cross-sections and a few details of the route and stations.

FIGURE 1: The broader geographical context of historical Jerusalem (including Silwan) and the location of the Cable Car route superimposed onto it.

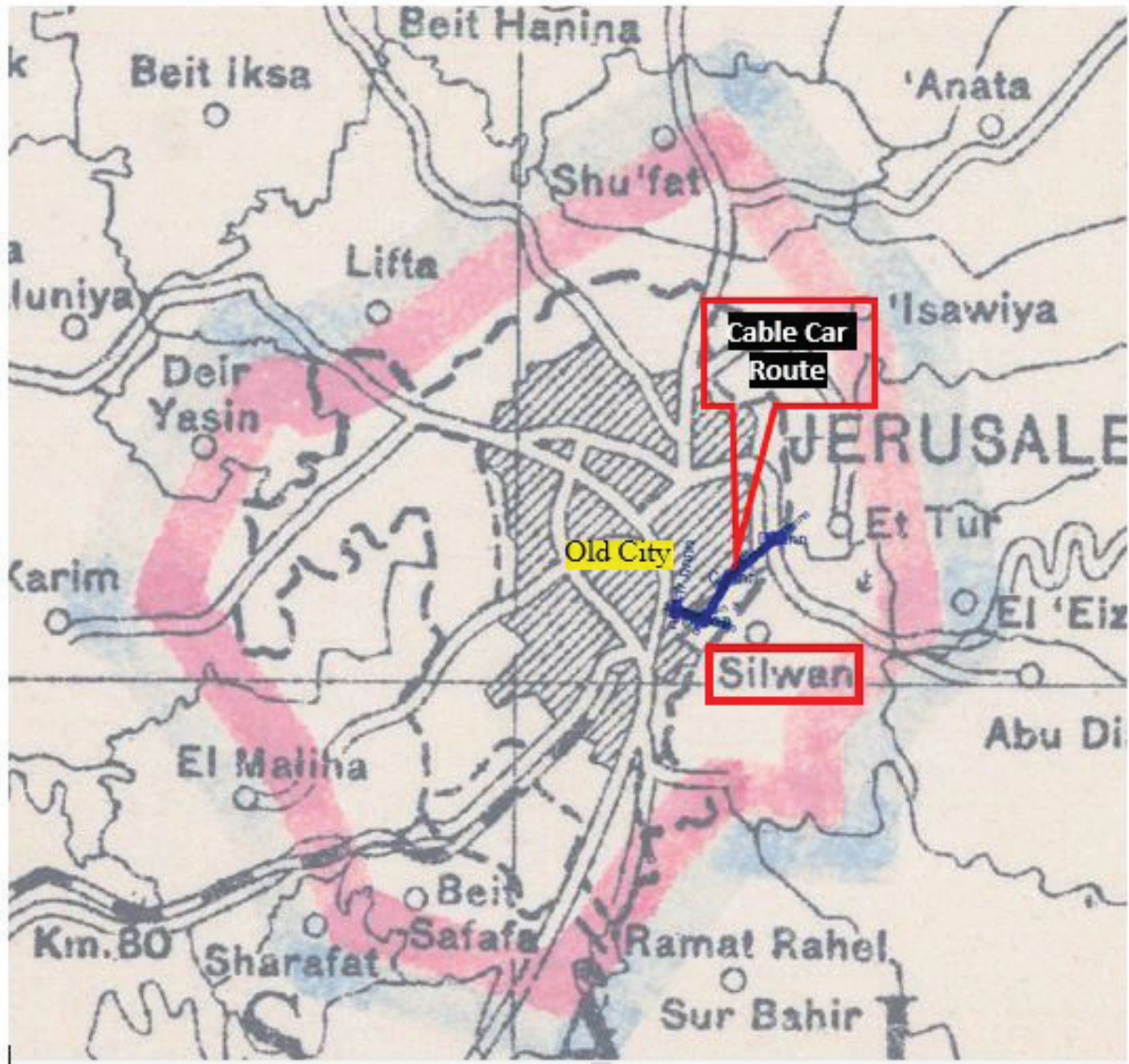


FIGURE 2: A compilation of the Cable Car plan and Jerusalem's historical plan from 1943.

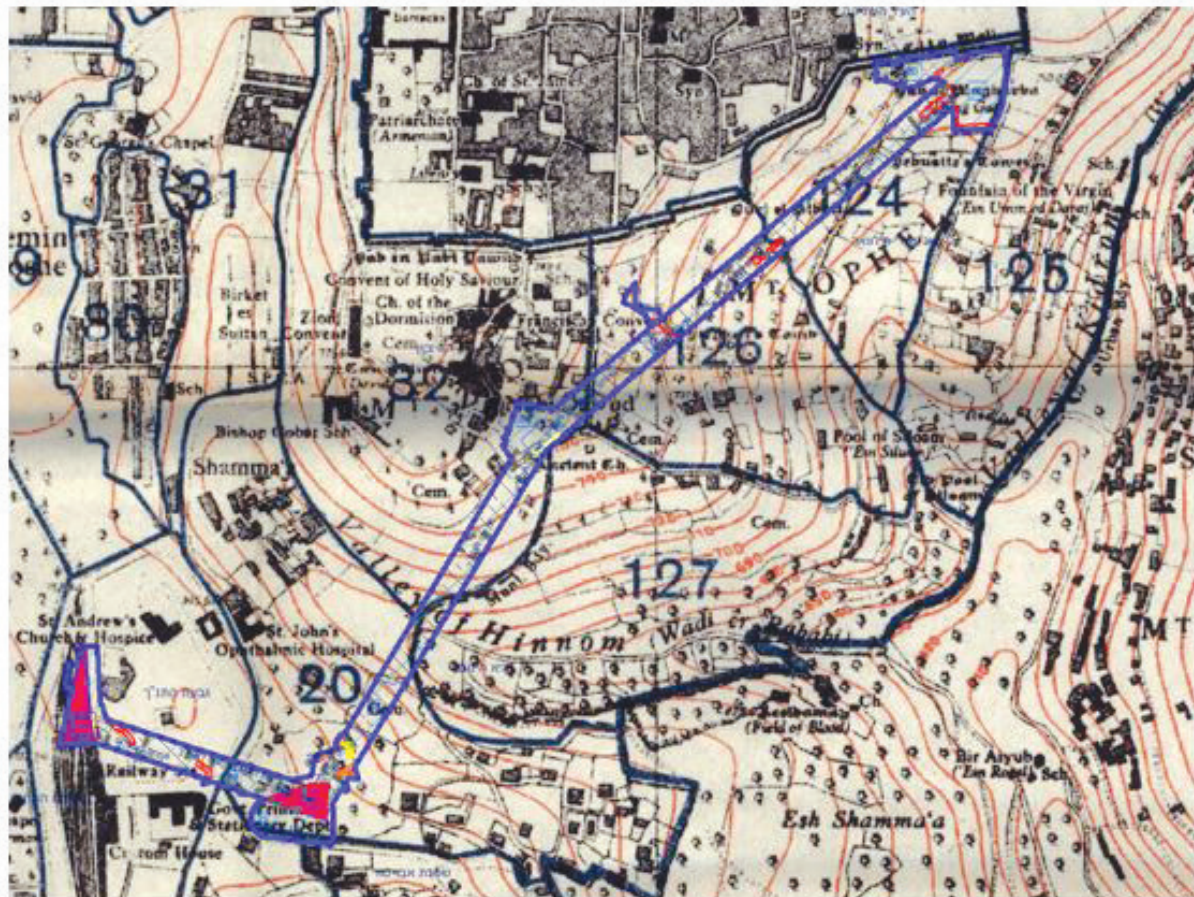


FIGURE 3: The Cable Car plan superimposed on an aerial map of the region.



FIGURE 4: The Cable Car route and the location of stations A to D.



FIGURE 5: The Cable Car route superimposed on a street map of Jerusalem.

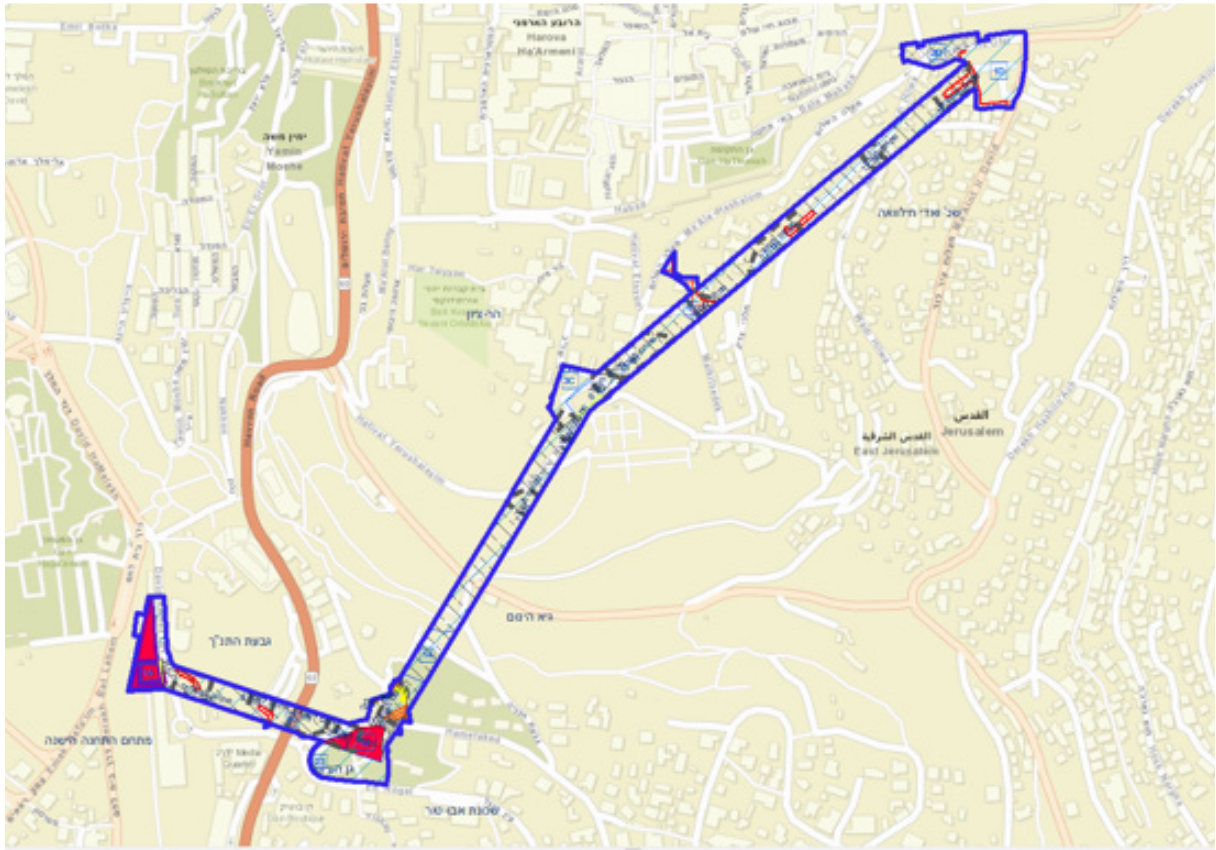


FIGURE 6: A cross-section of the Cable Car route and the topography below.

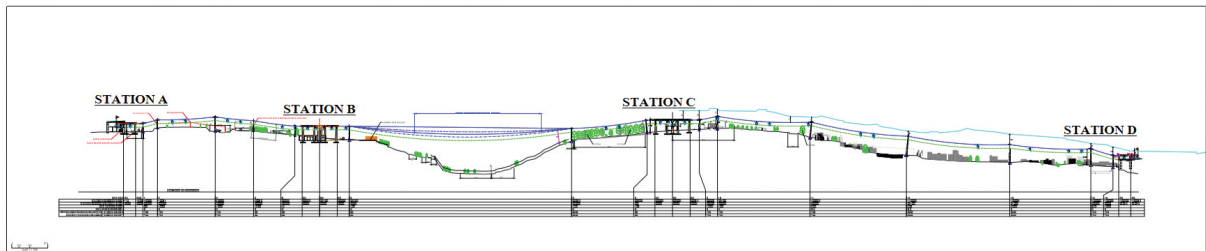


FIGURE 7: The location of the pillars that support the steel superstructure, on regional plan.



THE EVOLUTION OF THE PLAN

The Plan embarked on the path toward statutory hearings for approval in March 2018, when the National Infrastructure Committee (hereinafter: The Committee or NIC) decided to promote the Plan as a national infrastructure project that would integrate with and complete the Jerusalem public transit system. At the same time, the Committee issued a directive to freeze construction and development permits for any purpose within the plan area.

The NIC decided in October 2018 to deposit the Plan after the Minister of Tourism announced the Cable Car project as a national infrastructure project, which ensured that it would be placed on an accelerated approval track. In addition, the Committee decided on the need to expropriate the land on which the components of the Cable Car project would be built.

Following the publication of the Plan for public remarks and observations, many public institutions submitted objections expressing fundamental and conceptual opposition to the project. Various interested parties voiced their opposition to the project due to the damage it would cause to their property and other aspects of their living conditions, such as the violation of privacy¹. Moreover, a number of religious organizations (from the three monotheistic religions) complained about the proposed project's damage to the principles of their faith and to the assets they administer near the Cable Car's route².

Despite a variety of objections to the project

- 1 Normal service of the Cable Car will entail passage of travelers in the cabins merely few meters above the roofs, courtyards and private gardens of Palestinian houses of Silwan, exposing the inhabitants to the intrusive eyesight of alien passengers.
- 2 For example, followers of the KARAIITE Jewish sect believe that the passage of Jewish *kohanim* or priests above the active Jewish cemetery located at Hinnom Valley causes impurity and desecration, which explains the opposition and formal objection of the Karaite representatives to the Plan.

in June 2019, the NIC finally approved the Plan, after rejecting all substantial objections³ submitted to it, and forwarded it for government approval (the Government approval is a mere formal procedure required by the Planning and Building Act). In November 2019, the Ministerial Committee on Planning, Real Estate and Housing decided to approve the Jerusalem Cable Car project as a National Infrastructure Plan.

The National Parks and Nature Reserves Council reiterated its position against the intention to allow motorized transport into the national-park-area declared along the Old City walls according to Israeli Outline Plans.⁴ The Council decided during its meeting in July 2019, after the plan was approved by the NIC, to continue monitoring the project implementation in order to ensure that its position was respected and adopted.

In the meantime, a coalition of organizations and individuals whose official objections to the Plan were rejected by the NIC filed a petition with the High Court of Justice. This petition argued that the Plan should not have been approved by the incumbent government because it served as a transitional government. The hearing of the petition took place on June 29th, 2020. A few weeks later, the High Court asked the government to provide arguments in support of NIC's original decision to promote the Plan

- 3 Just to mention a few of the organizations that lodged objections to the Plan: The Arab Center for Alternative Planning (NGO specializing in planning and land issues concerning Palestinian citizens of Israel); The Supreme Council on Muslim Affairs in Israel; The "Khan" Theatre of Jerusalem; Emek Shaveh (Israeli NGO working to defend cultural heritage rights & numerous scholars in various fields of science and arts); "BIMKOM" (Israeli NGO specializing in urban planning issues among Palestinian citizen of East Jerusalem); Several groups of Palestinian citizens of Silwan & Wadi Helweh represented by Adv. Sami Ersheid (legal activist).
- 4 The National Parks and Nature Reserves Council is a semi-official advisory council to the following: Minister of Environmental Protection; Minister of the Interior; Official Planning committees. The council is required to decide on the Plan because a portion of the Cable Cars' route (stations C and D and the route in between them) falls in the area of the declared national park, which is under the responsibility of the Council.

through the enhanced approval track.

It is worth noting that all the Plan's documents have been prepared and published solely in Hebrew. At the request of the NIC's head, only a one-page Arabic-language document was prepared, which very briefly explains the detailed and complex Plan. This Arabic-language document is presented below as Annex 1 to this position paper.

The Cable Car route crosses three Palestinian neighborhoods, and therefore the construction and the day-to-day operations will interact with and impact the everyday life of the population. For the sake of transparency and sensitivity, it's essential to publish the Plan's documents in Arabic. It is a well-known fact that knowledge of the Hebrew language is still very limited among the Palestinian population of East Jerusalem, especially when it comes to technical material and complicated legal documents. This means that ordinary people, and even professionals among the Palestinians, lack the basic requirements to understand, digest, respond to the Plan's documents and take action to protect their communities' interests.

In addition, the developers of the project held only a few open public participation meetings in the Western parts of the city to present and discuss the Plan. This occurred without the genuine participation of Palestinians, preventing them from fully accessing, understanding, formulating an opinion on, and articulately responding to the Plan.

IMPLICATIONS OF THE PROJECT

In the following sections, the paper presents a critical evaluation of the Plan's accelerated planning procedures, as well as its primary discriminatory objective to enable Jewish visitors to comfortably and smoothly reach the Western Wall at the expense of the surrounding Palestinian

community. Subsequently, the paper reviews the expected implications of the Project on several aspects of life in Jerusalem. These implications include: political and national repercussions, irreversible damage to landscape, environment, heritage and historical features, damage to the Old City and its Palestinian population, damage to Silwan and Wadi Hilweh neighborhoods, and implications on environmental landscape and safety principles.

A Hasty Approval Procedure for The Plan

Careful analysis of the evolution of the Cable Car Plan indicates that this supposedly singular project is a solution that searches for a problem to solve, instead of responding to a real existing need. The sponsors of the unusual project forcefully imposed it onto the backdrop of ancient Jerusalem, using the issues of traffic jams and limited accessibility from West Jerusalem to the Old City Basin as the primary justification. Furthermore, the Cable Car Plan accomplishes the "dream" of unifying West and East Jerusalem by a grand physical structure that overrides all the existing barriers on the ground.

Instead of taking the time to consider and evaluate transportation, traffic and accessibility alternatives that would allow for a more comfortable tourist experience in the Old City, the Project's sponsors pushed hard—hastily and recklessly—to advance the Plan. The "eye-catching" Cable Car project will not resolve the problems that it ostensibly vows to tackle. Rather, it will exacerbate and further disperse traffic and accessibility issues along its expected route. For example, the approved Plan does not designate parking lots for buses and private vehicles close to the proposed Cable Car stations. This will create traffic jams and parking difficulties near the stations. In other words, operating the Cable Cars may reduce transportation congestion in the Dung Gate area, but in doing so it will also produce congestion

in other places near the stations. Because of the rush to promote and approve the Plan, there was, in fact, no systematic or objective examination of the Cable Cars' integration into Jerusalem's urban transportation system.

The Project's sponsors desire to hastily finalize and approve the Plan led them to bypass the regular statutory planning track. This planning process normally entails climbing the entire planning pyramid, starting with the local committee, through to the district committee, until the National Council for Planning and Building, if necessary. Consequently, the Plan's sponsors called on the Tourism Minister to announce that the Plan is essential for a national infrastructure enterprise. The Minister immediately heeded the call, paving the way for the NIC to approve the Plan in principle, which guaranteed its enhanced procession and final approval.

Allowing for general public participation is a modern trend in navigating and promoting large-scale urban projects. Normally, large-scale projects promoted by local governments influence the urban population, for better or worse. This is true for transportation, infrastructure, physical development and urban services projects. The Cable Car plan is a typical case for the usefulness of public participation, due to its extreme public sensitivity. Not least are the political and national implications of the Project and the opposition to the forced unification of the two parts of Jerusalem among the Palestinian population (which the project apparently fulfills). Therefore, the deliberate exclusion of members of the public to prevent their access to a public participation processes and the detailed features of the Plan, is more than suspicious. This is demonstrated by the diverse groups of persons and institutions that oppose the project from various sides of the professional, religious and political spectrum. In fact, representatives of all faiths, including the Supreme Council of Muslim Affairs in Israel, the Chief Rabbi and Rishon LeZion of Jerusalem, and representatives

of the Christian churches centered in Jerusalem, oppose the project without exception.

Under the Israeli Planning and Building Act and according to planning practices, it is possible to revise the preservation plan around the Old City walls only through a National Infrastructure Plan similar to the Cable Car's Plan. Nevertheless, a convincing and reasonable rationale and purpose for such amendment has yet to be presented. In fact, the Cable Car project strongly contradicts the premise of protection and preservation of the Old City walls and vicinity. In fact, the Plan drastically transforms the historical setting of the zone by introducing alien and artificial structure, and imposing fabricated elements into this "Genesis-like" zone.

Furthermore, the detailed zoning plan promoted by the Elad settler organization, which includes the construction of the Kedem Center, awaits a possible legal challenge in the form of a pending appeal in the High Court of Justice. This means there is a possibility that the plan will be totally cancelled, or that its approval will require fundamental changes to the plan. Therefore, in spite of the current plan, it is not safe to assume that Cable Car Station D can be erected on the roof of the Kedem building.

Discriminatory Sectoral Project

The main purpose of the Project is allegedly to provide privileged service to Jewish visitors and/or tourists going to the Western Wall. This service includes allowing visitors to bypass all the ordinary obstacles of travel or walking to reach their destination or depart from it with little delay. Tourists heading to the Western Wall will be shuttled by the Cable Car, which will deliver them to Station D at the top of the Kedem Center, and will also collect them for departure from the same spot.

The sponsors of the Cable Car plan, both in their

formal position and in media, have sought to minimize the project's discriminatory aspects. The formal response of the sponsors and the Objections Investigator to discrimination claims is that travelling by the Cable Cars will not pose any restrictions, and that the ride would be open to anyone including Palestinians, not limited to special visitors to the Western Wall. However, life experience and history show us that in the near future, reasons such as "security needs" will likely be used as a pretext to prevent Palestinians from accessing the Cable Cars.

Political and National Implications

It is hard to cast aside the impression that the Cable Car project is fueled by political motives aimed at deepening the Jewishness of East Jerusalem through whatever possible means.

In the case of the Cable Car project, traffic congestion near Dung Gate is reflected in the scarcity of parking lots and the accumulation of a large number of tour buses—but traffic is used cynically by the plan's sponsors. There is no doubt that intuitively, foreign and domestic tourists crave the experience of visiting the Old City and walking its alleys and traditional markets. Tourist foot traffic and shopping in the Old City are also major sources of income for merchants and businesses operating there.

Extremist pro-settler politicians, set on entrenching the unification of East and West Jerusalem, have latched onto the Cable Car project, and have exploited the actual traffic congestion around the Old City and the project's alleged positive impact on tourist accessibility to further their political and national aspirations. They found an opportunity to bypass (from above) the obstacles allegedly facing one category of visitors/tourists: Jewish visitors to the Western Wall in the Jewish Quarter and other settler hubs. The Cable Car project proposes to carry this group of visitors from the air to the

Kedem Center, near Dung Gate. It is, in fact, only a limited group of tourists/visitors who wish to circumvent the tourist experience of walking through the Old City and getting in touch with its residents and their unique traditional customs and cultures. It is unreasonable to surrender to the will of a small group of tourists, especially when it involves a huge expenditure of public resources.

The primary political message embedded in the Cable Car project is that the absolute and full control of the city—both East and West Jerusalem—falls under the Israeli government's authority. The close involvement of various government ministries in the project (mainly the Tourism and National Planning authorities) indicates this message. Additionally, the powerful bureaucratic establishment of the Jerusalem Municipality, together with the Jerusalem Development Authority, have supported the project throughout the planning process, and continue to exert tremendous pressure on institutions and decision makers to swiftly approve and implement it. Several settler activists and their associated non-profit organizations also work both openly and secretly to pave the way for the project and to mobilize all the resources needed to see it through. This is precisely why the Kedem Center serves as the final station of the Cable Cars near the Old City. The Kedem Center, located near the junction at the main entrance to the Palestinian neighborhood of Silwan is in itself another Judaization project concealed by a touristic-archaeological mask, and promoted by the aforementioned settler organization Elad.

Via the Cable Car project, Israeli authorities wish to convey the message that the forced unification of Jerusalem will occur by all possible means, despite the existing obstacles on the ground. So long as the authorities are unable to effectively unify the city by actions on the ground, they will continue to find so-called innovative ways to bypass these obstacles. The two plans currently

in motion for approval and implementation—the Cable Car project and the underground train—attempt to bypass these obstacles from above and below.

In actuality, the forced unification of the city subordinates East Jerusalem, with all its unique characteristics, for the benefit of West Jerusalem. This closely resembles vigorous and unilateral annexation rather than peaceful and welcome unification. Of course, allocating substantial public resources to serve only a limited segment of the population at the expense of the rest, as in the case of the Cable Car project, is sheer discrimination and disenfranchisement. Furthermore, the Cable Car project involves the blatant disregard towards heritage, cultural and landscape features, and will cause irreversible damage to the landscape of the narrow corridors surrounding the Old City walls.

In fact, during a preliminary meeting about the project, Prof. Eran Feitelson (Head of the Council of Natural Reserves and National Parks) claimed: “The route of the Cable Car is located at the most sensitive spot in Jerusalem, and probably in the whole globe.” In the same meeting, the head of the planning team, architect Mandy Rosenfeld, also stated: “We initially approached the project with the concern that we will cause irreversible damage to the scenic features of the area. However, shortly after it was decided to adopt the Cable Car solution, our role turned to how to mitigate its adverse impacts”.

These facts demonstrate the heavy-handed role played by ultra-national politicians favoring settler interests over objective professional considerations in dealing with the Cable Car project. The former Minister of Tourism, Yariv Levin, well known for his extreme right-wing political positions, announced the Cable Car project as a National Infrastructure Plan in order to facilitate its approval and bypass any bureaucratic barriers.

The annexation of East Jerusalem to the State of

Israel and the municipal area of West Jerusalem following the 1967 war is in opposition to international law. Few countries in the world recognize the forced annexation of East Jerusalem, but nonetheless emphasize the need to respect and preserve the original characteristics of East Jerusalem and its Palestinian population. Any practices that are in breach of international law and UN resolutions are illegal and void. The basic obligation of an occupying power is to avoid unilateral and coercive practices that cause harm to the native population, and to refrain from altering the characteristics of the annexed territory, or exploiting its resources for the benefit of the occupying state.

Due to the sensitivity of the project and its exploitive objectives, as well as its critical proximity to the Old City walls and the sacred religious sites of Islam (El-Haram El-Shareef), there is real concern that clashes might erupt between Palestinians and Jews once the project breaks ground. In the past, far less disruptive physical alterations implemented near El-Haram, such as the installation of surveillance devices or the digging of foundations for a planned bridge ascending from the Western Wall, sparked massive protests by the Palestinian community. The trauma that fueled these protests is still alive within Palestinian collective memory. The authorities must take this into serious consideration, together with all other relevant factors that affect the final decision concerning the Cable Car project.

Irreversible Damage to Landscape, Environment, Heritage and Historical Features

The Plan, in its current state, will cause damage to the Old City basin and will undermine the Old City’s status as a World Heritage Site. According to UNESCO, the area adjacent to the Old City walls constitutes a “buffer zone” distinguishing the World Heritage Site from its surrounding

area that also requires preservation. A special preservation plan sponsored and approved by Israeli planning institutions, which covers the area surrounding the Old City's walls, re-zoned this area as a National Park⁵ and set limitations on development projects within. In fact, two of the Cable Cars' stations (Stations C and D) are located in the area of the national park adjacent to the walls of the Old City. The Cable Car project entails major construction work that significantly exceeds what is deemed "reasonable" inside a recognized and highly delicate National Park.

The importance of the scenic, historical and archaeological elements surrounding the Old City walls is anchored in the principles of the Jerusalem 2000 Outline Plan, which adopted and secured this area's National Park status through a statutory conservation plan. The erection of the Cable Car project, which entails conducting massive excavations and extensive construction work, will physically damage the features of the site and the abundant archeological findings within it. The Cable Cars will also seriously disrupt and visually alter the historical landscape.

Because the superstructure of the Cable Cars will change the natural and visual landscape of the walls that have been preserved throughout the ages, many archaeologists have joined forces to publicly address the damage caused by the Cable Cars and the need to stop the project. The active involvement of archaeologists in opposition to the Plan is interesting and critical to understanding what is at stake. The activist-archaeologists within the organization Emek Shaveh, for example, work to challenge the normative conceptions of archaeology. Traditionally, people perceive archeology as focusing solely on ancient structures and old artifacts buried in the soil. Instead, Emek Shaveh seeks to protect the prevalent landscape surrounding the historical buildings and the antiquities, which has been preserved for many generations. According

to this approach, the traditional visual view of the walls of the Old City, as well as the ancient gates and buildings in the Holy Basin, comprise precious archaeological assets that require preservation and protection.

It should be noted that cable cars in historical cities are a rare phenomenon in the Western world. There is concern that the Cable Cars in Jerusalem will be a "white elephant" demanding high maintenance costs, similar to the situation in Haifa—the only city in Israel with a Cable Car system—despite the two cities' marked differences.

Damage to The Old City and The Palestinian Population

East Jerusalem residents have not been included or consulted in the Cable Car planning, even though they are arguably the most impacted by the project. As a matter of fact, the proposed physical proximity of Stations C and D to the Old City necessitates the involvement of the local Palestinian population, as the stations will constitute a significant interruption of everyday life in the area.

Tourism is a significant source of employment for the Palestinian population in East Jerusalem. Yet since 1967, trade in the Old City has steadily declined, as many businesses operating in the traditional markets have closed due to scarcity of tourists and customers. It is estimated that the number of businesses in the Old City has decreased from 5,000 operating before 1967 to 3,400 at present. Further damage to incoming foot traffic and tourism will exacerbate the economic risks facing businesses, employment and livelihoods of the local Palestinian communities.

It is very likely that the Cable Cars, whose main stated purpose is bringing tourists back and forth to the Kedem Center (Station D), will reduce

⁵ Plan no. AM/6 – National Park Surrounding Old City Walls, 1970.

the number of tourists who wander around the Old City markets. Therefore, the plan will directly contribute to the reduction of trade and shopping, damage to the local economy, and the disproportionate threat to the basic right to freedom of employment and fair trade for Palestinians.

This very reasonable facet of the objections to the Plan was comprehensively addressed by concerned parties in the hearing with the Objections Investigator⁶, yet unfortunately it didn't receive adequate consideration.

Damage to Silwan - Wadi Hilweh Neighborhood

Although the Cable Car route passes over the Silwan - Wadi Hilweh neighborhood, and terminates at Station D atop the Kedem Center located next to the Silwan junction, the project does not address the needs of the Palestinian neighborhoods, nor does it consider local transportation and parking needs. Most likely, the swarms of passengers travelling to and from Station D will create considerable traffic congestion at the junction, impairing local access to Silwan's entrance. The Cable Car Plan documents do not include any reference to Silwan and its transportation needs, and therefore they do not address the impact of traffic on the Palestinian residents there.

The absence of an outline plan, or infrastructural development and transportation plans, for Silwan inhibits professional specification of the neighborhood's needs. In fact, since the occupation in 1967, no detailed blueprint has been prepared for Silwan to outline possible building and development alternatives that can provide residential and employment solutions to its growing population. On the contrary, the few master plans that were prepared and approved

⁶ An external advisor to the National Infrastructure Committee especially appointed to hear the objections and offer his opinion concerning them to the Committee.

in Silwan centered solely on the "King David Garden" project. This Judaization project, forwarded under the guise of preservation and environmental protection, actually prohibited construction and development in large parts of the neighborhood.

The Cable Car project poses potential harm to the residents of Silwan-Wadi Hilweh neighborhood in several concrete ways. The erection of the huge pillars that support the structure of the Cable Cars will result in the demolition of several houses in the neighborhood, and the expropriation of the land on which these houses stand. There are legitimate concerns that families whose houses will be demolished will not receive fair compensation for the expropriation of their property, because these houses were built without permits⁷ and therefore violate the Israeli Planning and Building Act. Even if compensation *is* paid to the families, they will not be able to purchase adequate alternative housing due to the severe housing crisis in Silwan, a crisis that has been exacerbated by the steady encroachment of extremist settlers in the neighborhood.

Even among the houses in Silwan and Wadi Hilweh that are not at risk for total demolition, there is significant concern over structural damage that may be incurred due to the excavation and construction work near them. These are old buildings constructed decades ago with outdated building methods and materials, and without adherence to more modern engineering standards designed to protect buildings from potentially destabilizing vibrations.

The Plan's documents allow the authorities and the sponsors to temporarily expropriate properties that may only probably be required for the project's construction phase. It turns out that the term "temporary expropriation" is extremely flexible, legally vague, and endangers basic landowners' rights to use and develop their

⁷ <https://www.ochaopt.org/content/record-number-demolitions-including-self-demolitions-east-jerusalem-april2019->

lands and buildings. The plan's implementation, schedule, and phases of execution, which are not precisely specified in the documents and are therefore still unknown, could last for several years. This allows the developers to restrict any construction or development on privately owned properties that are not explicitly for expropriation, but might fall under the category of properties that may be temporarily confiscated.

According to sound urban planning procedures, it is customary to conduct a comprehensive preliminary survey of the existing situation in the area in which the project will be implemented. The survey normally covers the material and socio-economic conditions, such as: the number of homes that will be directly and indirectly damaged and/or demolished, the areas that will be permanently or temporarily expropriated during the construction period, the expected interaction between the existing buildings and the proposed structural elements of the Cable Cars, the noise and radiation impacts that will prevail over time, and the daily risks and impacts and cumulative impact over time as a result of regular Cable Car service. As it turns out, this in-depth survey was never conducted for the Cable Car project—or otherwise its findings were never made public.

The Cable Car cabins will continuously travel for several hours each day at low altitude of just a few meters above Silwan's and Wadi Hilweh's residences, which will severely limit the personal use of residential courtyards and gardens and the privacy of the occupants, who will be exposed to the gazes of passengers. Infringing on the privacy of families in their own homes which seriously impacts quality of life and undermines the Palestinian cultural value of Seclusion while at home.

Furthermore, the frequent passage of Cable Car cabins at a low altitude will cause noise and vibrations in the buildings below them. These disturbances may not cause structural damage, but they will surely make the buildings' occupants

feel unsafe and uncomfortable. Furthermore, the construction of the Cable Car project, and the aforementioned disturbances that it will bring, will depreciate the value of the residences and buildings in Silwan and Wadi Hilweh.

It is important to reiterate the decades-long legacy of building and development restrictions imposed by the Jerusalem Municipality and planning institutions against large parts of Silwan and Wadi Hilweh in general, and the areas surrounding the Old City walls in particular. The explanations given for these restrictions are the fragility of the area and the National Park designation imposed by Israeli conservation plans. In contrast, the Cable Car project proposes massive construction and development work to be executed in the same area in which Palestinian inhabitants and property owners are restricted from performing necessary construction and upgrades.

It should be noted that the Palestinian neighborhood of Abu Tor will also be negatively impacted by the Cable Car project, though to a lesser extent than Silwan and Wadi Hilweh. The Cable Car route will pass over the northern edge of the neighborhood and arrive at Station B, which will compromise the only local park available to residents. By further limiting the already scarce open recreational space that Palestinians can enjoy, the project will be a detriment to the quality of life in the Abu Tor area.

Opposition by Diverse Spectrum of Public Campaigners

There is no doubt that the Cable Car project has attracted much public interest and attention from a wide range of public figures, professionals, scholars, intellectuals and clerics. Even with little coordinated lobbying, the Cable Car project received wide opposition from a number of public entities concerned by the project's

motives, implementation details and physical components.

As previously mentioned, religious organizations and prominent clerics from the three monotheistic religions opposed the project, each group for its own reasons. The Supreme Council for Muslim Affairs in Israel objected to the project as part of its mandate to protect holy sites for Muslims in Jerusalem against attempts by the settler associations and other extremist Jewish organizations to alter the native features of East Jerusalem in general, and near Al-Haram Al-Shareef in particular.

The twin Chief Rabbis of Jerusalem opposed the project by supporting the objections put forward by members of the Jewish Karaite community, who believe that the passage of Jewish *kohanim* or priests above the active Jewish cemetery located at Hinnom Valley causes impurity and desecration. According to their beliefs, this is true even if the passage of *kohanim* occurs while riding in cabins supported by cables and pillars.

Architects, city planners, and transportation and environmental protection experts have firmly rejected the idea of erecting Cable Cars in a historic city context. They mostly agree that the proper action in such settings is conservation and not development and alleged modernization. Therefore, archaeologists, historians, and heritage activists have been at the forefront of those who oppose the very fundamental concept of the project as well as its material manifestation.

Interestingly, opposition to the project cuts across national affiliation in Jerusalem, despite the prevalence of ethno-national (mainly between Jews and Palestinian) tensions in the city. The Palestinian population in Silwan, Wadi Hilweh, and Abu Tor strongly oppose the project, both independent from, and in cooperation, with Jewish colleagues. The main motives for resistance among the Palestinian population are political, material, and socioeconomic, and also stem from threats to the status of nearby

Muslim holy places, especially Al-Haram Al-Shareef and Al-Aqsa mosque. Opposition to the project among the Jewish population is mainly driven by cultural and professional motivations. As mentioned, apart from the opposition of the Karaite community and its supporters, which is rooted in Jewish religious conviction, most Jewish opponents are professionals and intellectuals in the fields of archeology, architecture, environmental protection, history and culture.

The most significant indication of the widespread public opposition to the Cable Car project is the petition filed by a group of professionals and public activists to the High Court to halt its advancement. The petition is still pending. This petition argued that the Plan should not have been approved by the incumbent government because it served as a transitional government. The hearing of the petition took place on June 29th, 2020. A few weeks later, the High Court asked the government to deliver complementary arguments that support NIC's original decision to promote the Plan through the enhanced approval track.

As is well known, the ability to legally intervene in decisions made by Israeli planning institutions is quite limited. Therefore, it is doubtful that salvation from the Cable Car project will come from the High Court. Nevertheless, the mobilization of numerous activists and professionals, who otherwise do not necessarily have direct contact or shared interests, to warn the general public indicates the gravity of the Plan's potential consequences.

Impact on Environmental, Landscape and Safety Principles

The adverse impact of the Cable Cars on the environment, landscape and safety along, and surrounding, its route, and on the general urban context of Jerusalem, are summarized as follows:

- A. Damage to the skyline across many parts of the city in general, particularly the Old City, because of the continuous and frequent passage of the cabins moving back and forth all the day long.
- B. Damage to the Hinnom Valley due to the passage of cabins and the infrastructure of the Cable Cars across the valley.
- C. High noise levels during the construction of the Cable Cars, and afterwards during its lifelong regular operation, which will cause damage to the health and quality of life of residents of Silwan and Wadi Hilweh whose homes are located to the route, or directly under the supporting infrastructure and cabins.
- D. Electrical and electromagnetic radiation emanating from the cables and cabins which causes health damage to people.
- E. Danger to drivers' safety due to possible distraction caused by the movement of cabins and solar radiation reflection at street level.
- F. Aesthetic and scenic harm to the region's landscape caused by the huge dimensions and inclined position of the Cable Car columns.

SUMMARY

The Cable Car project to the Old City in East Jerusalem is an ostentatious urban venture. Its real, although concealed, motives are political and national. It intends to further entrench Israel's forceful and unilateral unification of East and West Jerusalem, an ongoing endeavor since 1967. The project exploits the problem of traffic congestion and limited transportation near Dung Gate in the Old City Walls as a guise to achieve this political goal.

The proposed technology and physical structure required to implement the Cable Car concept is quite offensive to the physical, historical, traditional, cultural and social background of the Old City, including its population, its walls and gates, and the Holy Basin and all its components.

Therefore, the Plan should be rejected simply because it is unfamiliar, incompatible with, and disruptive to the underlying traditional urban environment of Jerusalem.

ANNEX 1:

توضيحات للخطة

تم تصميم التلفريك لمعالجة مشكلة إمكانية الوصول إلى الحوض الجنوبي/ شرقي للبلدة القديمة، وهو يشكل جزءاً من نظام المواصلات في مدينة القدس، ويتيح الوصول إلى المواقع ذات الأهمية الدينية والسياحية والعالمية لجميع الأديان ويهدف إلى ربط الأحياء مع الحوض الجنوبي للبلدة القديمة بما في ذلك: وادي حطوة وسلوان وأحياء البلدة القديمة: الحي اليهودي والحي الأرمني وهاار تسيون.

التلفريك ذا سعة 3000 راكب تقريباً في وقت الذروة في الاتجاه ومرتبطة بنظام النقل الجماعي المخطط في القدس.

تتمتع تكنولوجيا التلفريك من توفير طول مواصلات في منطقة ذات قيود طوبوغرافية كثيفة، مع محدودية سعة في البنية التحتية للشوارع، بالقرب من المواقع الأثرية والمباني الدينية. إن وسائل نقل في المستوى الأعلى لا تتطلب أرض مقارنة بالوسائل الأخرى ولا تتطلب تعبيد أو توسيع الطرق.

يبلغ طول المسار حوالي 1.4 كم وعرضه 30 متراً ويشمل 15 ركيزة (لا يشمل ركائز المحطة)

يمر نظام التلفريك في العمر المرتفع فوق سطح الأرض جزئياً فقط (حزام نظام مواصلات غني بالمسافرين) وفقاً للمشار إليه في ملحق البناء مقاطع (توجيهات). سيتم مصادرة المساحة في حدود هذا الحزام في إطار هذه الخطة، لأغراض المشروع وفقاً للقانون على النحو المحدد في هذه الخطة دون تغيير الأغراض بموجب الخطط المعتمدة. إصدار تصاريح بموجب هذه الخطة، سيتم بموافقة مبادر الخطة.

في البعد الأفقي، يبلغ عرض ممر التلفريك حوالي 30 متراً، وفقاً لما يظهر في مخطط الخطة.

في البعد الرأسي - سيكون الخط السفلي الذي يحدد ممر التلفريك في المساحة المرتفعة على ارتفاع 4 أمتار على الأقل من ارتفاع الأجسام والطرق (باستثناء الأشجار) الموجودة على الأرض على طول المسار. هذا النطاق هو أكثر نطاقاً آمناً صرامة من أجل تشغيل التلفريك.

يجب أن يكون الخط العلوي الذي يحدد ممر الطريق في المساحة المرتفعة وفقاً للارتفاعات المشار إليها في ملحق البناء للمقاطع (توجيهات) كما يلي:

مقطع بين محطات B-A - سيتم الحفاظ على الخط العلوي عند ارتفاع مطلق يبلغ 780.00 +
مقطع بين محطات B-C - سيتم الحفاظ على الخط العلوي عند ارتفاع مطلق يبلغ 780.00 + (780) يحدد هذا الارتفاع نسبة إلى ارتفاع الجدار في الركن الجنوبي الغربي).
مقطع بين محطات C-D - بقياس عامودي مع الجدار على مسافة مساوية أو أكبر من 100 متر - يتم الحفاظ على الخط العلوي كارتفاع الجدار.
مقطع بين محطات C-D - بقياس عامودي مع الجدار على مسافة يقل عن 100 متر - حيث سيتم الحفاظ على خط علوي يبلغ ارتفاعه 2 متر تحت ارتفاع الجدار.

يتضمن البرنامج مجمعات بحث لموقع الركائز على الأرض. يجب أولاً مصادرة منطقة عرض وارتفاع العمر المرتفع للتلفريك في الحيز المرتفع وكذلك مناطق البحث للركائز في إطار مصادرة مؤقتة لغرض الاستخدام والتصرف لمدة 15 سنة حتى يتم تحديد الموضع النهائي للركائز في مرحلة ترخيص البناء. ونتيجة لذلك، سيتم تحديد الارتفاعات النهائية المطلوبة لمرور التلفريك في العمر المرتفع وكذلك الموضع النهائي للركائز. سيتم تقليص نطاق المصادرة وفقاً لمرحلة تصريح البناء وسيتم تحديد المصادرة الدائمة فيما يتعلق بذلك. يحق للجنة تمديد هذه الفترة.

يتضمن المشروع 3 محطات للركاب ومحطة تشغيل:

1. محطة A للركاب - في مجمع محطة القطار القديمة.
2. ديو B- في منطقة عامة/ حديقة للكثوفين هي محطة تشغيلية تستخدم فقط للتخزين وورشه علاج دون صعود أو نزول ركاب.
3. محطة C للركاب - على حافة موقف السيارات السفلي من هار تسيون.
4. محطة D للركاب- فوق مبنى مركز كيديم المصادق عليه.

تشكل الصفحة التوضيحية خلفية للخطة ولا تشكل جزءاً من وثائقها القانونية.

ANNEX 2:

Press Release – The Cable Car to the Old City Reaches the High Court of Justice [Published JUNE, 2020]

On Monday, June 29 at 9AM, the High Court of Justice will consider the legality of the approval process for the Cable Car. Emek Shaveh and experts have argued in a public petition that

1. The plan was approved by a transitional government which was not authorized to do so,
2. The project, presented as a transportation project, was not assessed according to the accepted standards by the Ministry of Transportation, and
3. The decision was made based on misleading simulations.

Following the approval of the plan to build a Cable Car to the Old City of Jerusalem, Emek Shaveh, together with academics and professionals in the fields of architecture, urban planning, tourism and archaeology petitioned against the plan. Because the High Court of Justice does not have the jurisdiction to rule about matters relating to planning (nor politics), but rather to deliberate the legality of the process, the arguments that were detailed in the original public objection that was signed by 520 people (including 70 public figures), is not part of this petition.

Among those who have joined the petition with Emek Shaveh are two Israel Prize laureates for archaeology, Professor Amnon Ben-Tor and Ami Mazar, and the former chairman of the Antiquities Authority Council, Professor B. Z. Kedar, as well as the Rehav Rubin, Chair of the Center for the Study of the Land of Israel at Yad Ben Zvi, and leading architects including Moshe Safdie, Alona Nitzan-Shifan, Amnon Bar-Or and David Guggenheim, together with a long list of academics.

The petition sets forth three central arguments:

- A transitional government is not authorized to make an irreversible decision such as approval of the Cable Car project: The Cable Car project will cost the public hundreds of millions of shekels. During a period when the government is carrying out a broad cut in the budget of billions of shekels and is reducing the budgets for health and welfare, it is inappropriate that a transitional government leaves a bequest of this magnitude for the next government to inherit. In the response of the Deputy Attorney General, Att. Othman Roslan, to the petition, while arguing that the process was not in conflict with the law, he did not conceal the fact that the it was problematic.

- There was a serious flaw in the planning process in that the Ministry of Transportation was not included in the project that purports to be a transportation project; While the project is represented as a transport project, the Ministry of Transportation was not included in the process and the project was not required to meet the standards set forth for transportation projects in the State of Israel. Instead it was approved on the basis of reports and data less comprehensive than those required for every other transportation project.

- The decision was made on the basis of misleading simulations: The backers of the plan did not present complete simulations that accurately illustrate the Cable Cars in motion and the resulting damage to the historic landscape. The National Infrastructure Committee should have demanded that the backers present simulations that illustrate the actual cars in motion.

At this time, while the entire tourism industry is facing an unprecedented crisis, the government of Israel is stubbornly insisting on throwing away hundreds of millions of shekels from the Ministry of Tourism's budget on a project which, as time passes, becomes clearer how completely

unnecessary it is.

The petition to the High Court of Justice submitted by senior professionals in all of the relevant fields – architects, historians, geographers, tourism experts and archaeologists - speaks more loudly than anything else to the fact that this project serves neither tourism nor transportation objectives, but is, rather, driven by political considerations.

We hope that the High Court of Justice will stop the onward march of the Cable Car project and will rescue Jerusalem from the destruction of its heritage and its historical sites.



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