

Israel's "Begin Highway" Serves the Expansion of Illegal Settlements in Occupied Palestine

By [Global Research News](#)

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stopthewall.org

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The Israeli Municipality of Jerusalem and the Ministry of Transport are currently undertaking large-scale construction work in Beit Safafa, occupied East Jerusalem, in order to complete a highway ("Begin Highway") that will serve the expansion of Israel's the illegal settlements in and around the southern part of occupied East Jerusalem and expedite the annexation de facto of the Gush Etzion settlement bloc. The occupied Palestinian population of Beit Safafa does not benefit from this highway. They have not been consulted, and their livelihoods and community are being destroyed. Together with the people of Beit Safafa, the Civic Coalition for Palestinian Rights in Jerusalem, a coalition of 25 Palestinian human rights and development organizations, calls upon all States, the United Nations and the EU to intervene as a matter of urgency in order to ensure that:

- *Israel and the responsible executive entities, in particular the Israeli Ministry of Transport, the Jerusalem Municipality and its Moriah Jerusalem Development Company, immediately cease construction of the new illegal settlement highway in Beit Safafa and make full reparation for losses and damages already caused to the occupied Palestinian population;*
- *No international recognition is granted to the unlawful situation resulting from the illegal Israeli settlement enterprise of which this highway is part, and no public or private funds or business activities contribute to the construction of the illegal highway.*

In light of the persistence of Israeli settlement expansion, we urge the international community, including local authorities and business companies, to suspend cooperation and business with the Israeli authorities and companies responsible for the construction of the illegal highway in occupied Beit Safafa.

Stop Israeli construction of a new illegal settlement highway in occupied Palestinian territory

Halt Israeli destruction and forcible displacement of the Palestinian community of Beit Safafa in occupied East Jerusalem

A public appeal by the Civic Coalition for Palestinian Rights in Jerusalem submitted to the special attention of:

Heads of diplomatic missions in the OPT

UNESCO Special Coordinator, Robert Serry

UN Special Rapporteur on Human Rights in the OPT, Richard Falk

UN Special Rapporteur on the Right to Adequate Housing, Raquel Rolnik

Civic Coalition for Palestinian Rights in Jerusalem, Dahiet al Barid, Abu Khalaf Bldg.,
www.civiccoalition-jerusalem.org

Practical and effective measures for the above must be implemented immediately in order to prevent further entrenchment and expansion of the illegal Israeli settlement enterprise, and more damage to the human rights and livelihoods of the occupied Palestinian people, in particular the inhabitants of Beit Safafa.

In light of the strong international concern and condemnation of the illegal Israeli settlement activity,[1] and based on the legal obligations of third parties affirmed by the ICJ Advisory Opinion of 2004 and the recent report of the UN Fact Finding Mission on the Israeli settlements, we urge and expect all States, the UN and the EU “to assume their responsibilities vis-à-vis Israel as a State breaching peremptory norms of international law”, [2] and to adopt the necessary measures, including sanctions, in order to halt the construction of the illegal settlement highway in Beit Safafa. We also urge and expect private companies to respect international law and the Guiding Principles on Business and Human Rights, and to take “all necessary steps - including by terminating their business interests in the settlements - to ensure that they do not have an adverse impact on the human rights of the Palestinian people.”[3]

Facts and background

Location and specifications of the Israeli road project

The construction site extends from the Israeli (Teddy Kolleg) football stadium and (Malha) Mall in the area of the 1948 depopulated Palestinian village of al Malha, West Jerusalem, to the Israeli Gilo settlement in the south of 1967 occupied East Jerusalem. The projected road is approximately 1.5 km long and almost entirely located in the Occupied Palestinian Territory, specifically in Beit Safafa, a Palestinian community with approximately 9,300 inhabitants. In Beit Safafa, the road is being constructed as a 6-lane highway, with as many as 10-11 lanes in some parts. Construction started in September 2012 and is scheduled to be completed in October 2015.

Purpose and function of the Israeli highway through occupied Beit Safafa

The highway currently under construction in Beit Safafa is an extension of the already existing “Begin Highway” and has been designated alternately as Road No. 4 or Road No. 50 by the Israeli Jerusalem Municipality. The Begin Highway is the western Jerusalem ring road that expedites travel between the south and the north of the city . It constitutes a core component of the road network that serves Israel’s “greater Jerusalem” settlement metropolis in the occupied West Bank and ties it into Israeli territory. Partially constructed in occupied Palestinian territory, the Begin Highway links in the north into Road 443 to the settlement bloc of Givat Ze’ev in the occupied West Bank and onward to Tel Aviv. In the south, the Begin Highway currently ends in the Malha neighborhood, West Jerusalem; it does not yet have a direct connection with Road 60 (the “Tunnel Road”) which serves Israeli

movement to and from the settlements in the southern West Bank.

The short section of highway currently under construction in Beit Safafa will close the gap between the Begin Highway and Road 60 (Tunnel Road). Construction of the highway section coincides with increased Israeli settlement activity in the area, including the expansion of the existing settlements of Gilo and Har Homa and the establishment of the new settlement of Givat Hamatos in occupied East Jerusalem,^[4] and the ongoing construction of the settlement of Har Gilo in the adjacent occupied West Bank. Although propagated as an “internal” Jerusalem road by the Israeli authorities, the highway through Beit Safafa will substantially upgrade the network of Israeli settlement roads. It will accommodate the increased Israeli traffic from these settlements, and it will create one continuous piece of highway for Israeli traffic from the Gush Etzion settlement bloc in the southern West Bank (Road 60), through West and East Jerusalem (Begin Highway), to the Ma’ale Adumim settlement bloc and the E1 area in the east (Road 1), and to the Givat Ze’ev settlement bloc near Ramallah and onward to Tel Aviv (Road 443).

Alone and in combination with similar Israeli transport infrastructure projects in various stages of planning or construction, such as the Jerusalem Light Rail,^[5] the Eastern Ring Road^[6] and the A1 Train,^[7] the section of the Begin Highway through Beit Safafa will boost Israel’s “greater Jerusalem” settlement enterprise, consolidate Israeli domination, and expedite the annexation *de facto* of the central area of the occupied Palestinian West Bank.



Courtesy of ARIJ.

Who is involved in the construction of the settlement highway in Beit Safafa?

Responsible for the implementation of the road project are the Israeli Jerusalem Municipality and the Ministry of Transport. Construction is led by the Moriah Jerusalem Development Company, the executive arm of the Municipality for infrastructure projects. The implementing contractor is D.Y. Barazani Ltd., an Israeli construction company regularly performing development and infrastructure maintenance work for the Jerusalem Municipality, including in occupied East Jerusalem. (See billboard below.) Earth moving equipment of Volvo (Sweden), CAT (USA), Hyundai (South Korea) and JCB (U.K.) is being used for the construction.



Impacts and consequences for the occupied Palestinian population of Beit Safafa

The occupied Palestinian population of Beit Safafa does not benefit from this highway which is being imposed on them against their express will. Although the highway is being built on land confiscated in the past from members of the community and passes through its center, no access road onto the highway will be available for the local Palestinian residents. Moreover, the highway is causing grave losses and damages to individuals and the community of Beit Safafa.

For Palestinian owners of land and homes along the route of the highway through Beit Safafa, construction of the highway is resulting in serious infringements against their property and housing rights::

- Loss of the right to use and develop property: under Israeli planning law, no construction is permitted within 150m from both sides of highways of the type under construction in Beit Safafa. Moreover, as the local population was unaware of the Israeli road plan and able to obtain permits to build homes in the past, many homes are today located within this 300m periphery, including some in extreme vicinity to the new highway. These homes are now effectively rendered illegal under Israeli planning law, and no permits will be available in the future for their repair or extension.
- Loss of value of property: due to the above, as well as the extreme exposure to noise, pollution and related hazards resulting from the ongoing construction work and future traffic, Palestinian homes in vicinity of the highway have lost approximately 37% of their market value.[8]

In addition, all inhabitants of Beit Safafa are affected by:

- Risks to health and adequate standard of living due to the degradation of the environment;
- Loss of freedom of movement and access to essential services: since the establishment of the Gilo settlement in the 1970s, Beit Safafa has been bifurcated north-south by the 4-6 lane road (Dov Yosef Road) connecting the settlement with West Jerusalem. The extension of the Begin Highway currently under construction will cut through the community from west to east; it will cross the Gilo settlement road underneath a bridge and

result in the division of Beit Safafa into four disconnected parts. The new highway will cut off local internal roads and obstruct access to kindergartens, schools, the health clinic and places of work and worship. For many residents, these will no longer be accessible by foot but require travel by car on two new internal roads across bridges planned for local use.

· Serious infringement against the collective right to maintain and develop the community: as a result of the fragmentation of the village and the losses and damages caused to the Palestinian inhabitants.

In the longer term, the Begin Highway alone and in combination with the additional Israeli settlement activities planned in the area will result in the destruction of Beit Safafa as a community and in the forced displacement of (part of) its members.



A snap shot from a promotional video clip disseminated on youtube by the Moriah Jerusalem Development Company showing a model of the Begin Highway in Beit Safafa when completed. The picture shows the highway crossing the Gilo settlement road (Dov Yosef Road) underneath a bridge and leading into West Jerusalem (on the top). It also shows how Beit Safafa is sliced into four parts, and the two bridges across the highway planned for local use.

The full promotion clip can be viewed at:

http://www.youtube.com/watch?v=042woKRZ0lw&feature=youtube_gdata_player

Previous history of forced dispossession and forced displacement - a context of systematic Israeli violation of IHL and international human rights law

Israel's construction of the Begin Highway and the consequences for the occupied Palestinian population should be assessed in the context of previous Israeli policies and practices applied to Beit Safafa (and neighboring Palestinian communities). Until 1967, Beit Safafa was divided by the armistice line between Israel and Jordan that had resulted from the 1948 Arab-Israeli war. Although the village has since been reunited as a result of the Israeli occupation and annexation of East Jerusalem, a substantial portion of its population continues to be forcibly displaced. This includes (descendants of) Palestinian refugees who had found shelter in the Jordanian-controlled part of Beit Safafa after their expulsion by Israel in 1948, as well as (descendants of) original villagers displaced during the two Arab-Israeli wars and in the ongoing Israeli occupation. Israel has prevented the return of the displaced and confiscated their land, as well as land of the remaining inhabitants of Beit Safafa, by means of laws that discriminate against the indigenous Palestinian population, such as the Absentees' Property Law (1950) and the Land Ordinance (Acquisition for Public Purposes) of 1943. Israel has used this land for the development of Jewish neighborhoods and infrastructure in West Jerusalem, and Jewish settlements, roads and military installations in occupied East Jerusalem.

Israel's illegal annexation of Beit Safafa and the subsequent systematic and discriminatory Israeli policy land confiscation and urban planning have resulted in a situation where Beit Safafans have already lost approximately one-third of their land, and the area available for the development of the community has shrunk from 3,057 dunams under the British

Mandate in 1947 to 2,354 dunams under Israeli control today.^[10] Together with neighboring Palestinian communities in the OPT, Beit Safafa is affected, for example, by two large-scale Israeli land confiscations undertaken for alleged “public purpose” in 1970[11] and 1991[12]. Israel has used the expropriated Palestinian land for the development of the Jewish settlements of Gilo (1971) and Givat Hamatos (about to be constructed). Also confiscated from Beit Safafans in the past were the 234 dunams of land for the construction of the Begin Highway extension.[13]

Wider impact of the Begin Highway in Beit Safafa on Palestinians

Since the Begin Highway through Beit Safafa will, once completed, contribute to the consolidation and annexation of Israeli “greater Jerusalem” in the central area of the occupied Palestinian West Bank, this highway will, *ipso facto*, undermine the ability of the Palestinian people to exercise their right to self-determination and independence in the OPT, including East Jerusalem. Moreover, the local Palestinian population will not benefit from this highway because, a) use of the Israeli settlement-highway network is restricted for most Palestinians from the occupied West Bank, who do not have Israeli permission for travel in Israeli territory and occupied East Jerusalem, and b) these highways by-pass local Palestinian communities and are not easily accessible for Palestinians.

The exclusion of the Palestinian population from the Israeli planning process

Despite the severe impacts of the Begin Highway currently under construction, the local Palestinian population, including the residents of Beit Safafa, has never been consulted by the responsible Israeli authorities. Based on information provided by the residents’ lawyer and the NGO Ir Amim, the Jerusalem Municipality has never submitted a detailed plan of the highway for public review and objections, although this is required by Israeli law and was done for other segments of Begin Highway.[14]

The people of Beit Safafa became aware of the highway project only when construction started in September 2012. Public concern and protest was initially directed to the local liaison office of the Jerusalem Municipality in Beit Safafa. The latter confirmed that construction work had been started without the required permit and requested that Beit Safafans be patient and wait until the problem is solved. When construction had not ceased by December, a group of 20 residents challenged the road project in the Jerusalem District Court. The petitioners requested the Court to issue an order for the Jerusalem Municipality to stop construction, and to present a detailed plan for public review and objection.

In court, the Jerusalem Municipality argued that it had presented the required plan, and that Beit Safafans have forfeited their right to compensation because they did not object to the highway in time. The Municipality based its argument on a plan (local outline plan no. 2371) for Beit Safafa which was submitted for public review and approved in 1991. This plan does, in fact, feature a road in the site where the highway is being constructed. However, it does not provide specifications regarding the type and size of the road, it does not show the connections with the Begin Highway and Road No. 60 (which did not yet exist in 1991 in their current form), and it doesn’t include a number of homes which have since been built, with official authorization, in the area adjacent to the route of the road. The people of Beit Safafa argued on this basis that the old plan was outdated and not a valid planning document for the construction of the extension of the Begin Highway. The Jerusalem District Court, however, ruled that the plan from 1990 was valid and that construction could

proceed.

✘ The residents of Beit Safafa have filed an appeal against the decision of the District Court with the Israeli High Court. With the appeal, the residents also submitted a request for an immediate stop-of-work order until their appeal would be heard. This request was rejected on 20 March 2013. The High Court accepted the position of the Jerusalem Municipality that the request came “too late”, and that the damage caused for the State of Israel by a halt of construction would amount to approximately NIS 20 million per month and would, thus, be larger than the damage caused to the people of Beit Safafa by the construction of the highway in their community.[15]

In the meantime, therefore, construction of the Begin Highway – and destruction of Beit Safafa – continues unabated. The hearing of the appeal in the Israeli High Court has been tentatively scheduled for 26 June, and the Israeli NGO Bimkom has joined the appeal with new information about losses and damages caused to the community and inhabitants of Beit Safafa. Deeply concerned about the rapid pace of construction/destruction, the people of Beit Safafa maintain permanent public protest activities in their village and are calling for effective international solidarity and intervention.

The status of the Begin Highway in Beit Safafa under international law

Under international law, the Begin Highway currently under construction in Beit Safafa is illegal. Among others, Israel violates its obligations under the Fourth Geneva Convention by constructing a highway in the OPT which serves the permanent settlement of Israeli citizens in the OPT, and which does not benefit the occupied Palestinian population but rather the interests of its own citizens, including those in the illegal settlements. Moreover, since the section of the highway under construction in occupied Beit Safafa is part and parcel of Israel’s illegal settlement activity in the OPT, Israel, with the construction of this highway, is responsible for the serious breaches of international humanitarian and human rights law already analyzed in the ICJ Advisory Opinion of 2004 on the Israeli Wall in occupied Palestinian territory, including the permanent acquisition of territory by force, violation of the Palestinian right to self-determination, forced population transfer, unlawful expropriation and destruction of Palestinian property and gross and systematic infringements against the human rights of the occupied Palestinian population.[16] Based on the ICJ Advisory Opinion and the recent UN Fact Finding Mission on the Israeli settlements, therefore, Israel with its Begin Highway extension in Beit Safafa is responsible for serious breaches of peremptory norms of international law which trigger the responsibility of all States, and for war crimes which give rise to individual responsibility.[17]

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For further information, please contact:

Zakaria Odeh, executive director

Civic Coalition for Palestinian Rights in Jerusalem

odehzakaria@gmail.com

Notes

[1] See, for example, UN Security Council Resolutions 252 (1968), 298 (1971), 446 (1979) and 465 (1980). See also, EU Council of Foreign Affairs. Conclusions of 14 May 2012:
http://eeas.europa.eu/delegations/israel/documents/press_corner/20120514_01_en.pdf

[2] See, para 116 of the Report of the Independent International Fact-finding Mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem (A/HRC/22/63) adopted by the Human Rights Council on 19 March 2013 (A/HRC/22/L.45).

[3] Ibid, para 117.

[4] Israeli settlement plans in the area were fast-tracked and approved in December 2012 and include 1,000 additional housing units in Gilo and 2,610 units in Givat Hamatos (stage A of a total of 4,000 projected).
http://peacenow.org/entries/972_settlement_round-up_thousands_new_homes_planned_for_east_jerusalem_west_bank#more

[5] See,
<http://www.civiccoalition-jerusalem.org/human-rights-resources/publications/reports/jerusalem-light-rail-train-consequences-and-effects>

[6] See, <http://adalah.org/eng/Articles/1829/Adalah-and-the-Civic-Coalition-Jerusalem:-New-for>

[7] See, <http://www.whoprofits.org/sites/default/files/Train%20A1.pdf>

[8] Based on the preliminary assessment of damages presented by the residents of Beit Safafa in their petition to the Jerusalem District Court in December 2012. Source: Atty Kais Nasser, representing the residents in this case.

[9] Minutes of Jerusalem Municipal Council meeting, 27 December 1987, Report 64, p. 18. in B'tselem, *A Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem*, May 1995.

[10] Source: Arab Studies Society/Map and GIS Department, based on British Mandate survey (1947) and the Israeli outline plan for Beit Safafa (2317) of 1991.

[11] 2,700 dunams confiscated for Gilo on 30 August 1970; Official Gazette (in Hebrew) 1656 (1970), p. 2808.

[12] 600 dunams confiscated for Givat Hamatos on 16 May 1991; Official Gazette (in Hebrew) 3877 (1991), p. 2479.

[13] See, ARIJ fact sheet at: http://www.poica.org/editor/case_studies/view.php?recordID=5783

[14] See also, Ir Amim, Fact Sheet "Tearing a neighbourhood into two. The Begin Highway in Beit Safafa":

www.ir-amim.org.il/sites/default/files/english%20for%20web.pdf

[15] Zafrir Rinat, "Israel's High Court rejects Arab village's bid to stop construction of highway. Justices say there is more proof that the state would suffer if construction were delayed", in Ha'aretz, 20 March 2013:

<http://www.haaretz.com/news/national/israel-s-high-court-rejects-arab-village-s-bid-to-stop-construction-of-highway.premium-1.510878>

[16] See, ICJ *Advisory Opinion on the Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory* of 9 July 2004:

<http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=5a&case=131&code=mwp&p3=4>

[17] See footnote 1. See also, Al Haq, Legal Memorandum on State Responsibility relating to Israel's Illegal Settlement Enterprise:

<http://www.alhaq.org/advocacy/topics/settlements-and-settler-violence/603-legal-memorandum-on-state-responsibility-in-relation-to-israels-illegal-settlement-enterprise>

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