

**The Jerusalem Policy Forum**

**A joint project of  
The Peace and Democracy Forum and Ir Amin**

**From Dissonance to a Permanent Status Destination  
Creating Policy Options to Pave the Way to Final Status**

***Toward Resolving the Planning Disparity  
In Jerusalem***

**September 2008**

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Toward Resolving the Planning Disparity In Jerusalem**

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The Peace and Democracy Forum and Ir Amim

***The Peace and Democracy Forum***

5 Khaled Ebn El-Walid St.

P.O. Box 19315

Jerusalem

Telfax: +972-2-6275412

E-Mail: [info@pdf-palestine.org](mailto:info@pdf-palestine.org)

[www.pdf-palestine.org](http://www.pdf-palestine.org)

***Ir Amim***

27 King George St.

P.O. Box 2239

Jerusalem 94581

Tel: +972-2-6222858, Fax: +972-2-6233696

E-Mail: [mail@ir-amim.org.il](mailto:mail@ir-amim.org.il)

[www.ir-amim.org.il](http://www.ir-amim.org.il)



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## ***The Jerusalem Policy Forum***

Jerusalem is a city of vital importance to Palestinians and Israelis, as well as to three world religions: Christianity, Islam and Judaism. Jerusalem is destined to play a pivotal role in any future political agreement between the Israelis and the Palestinians.

The Jerusalem Policy Forum is a joint project of the Peace and Democracy Forum, a Palestinian NGO, and Ir Amim, an Israeli NGO. The Jerusalem Policy Forum acts on the assumption that the optimal resolution of the conflict between Israelis and Palestinians lies in a viable two-state solution, in which Jerusalem will serve as the capitals of both states. Therefore, the Forum is committed to thwart any action that may prejudice and prejudice the two-state solution in Jerusalem and its surroundings.

The work of the Jerusalem Policy Forum is directed by a Steering Committee, whose members are representatives of the Peace and Democracy Forum and Ir-Amim:

- Prof. Elinoar Barzacchi
- Terry Boullata
- Avraham Burg
- Amos Gil
- Abdel Qader Husseini
- Prof. Nazmi al Ju'beh
- Saman Khoury
- Sarah Kreimer

The Forum acts as a joint caucus for creating and advancing policies and actions which further Israeli and Arab Jerusalem in a manner that ensures the dignity and welfare of all residents, and safeguards their holy places and their historical and cultural heritages.

In addition, a broad network of Palestinian and Israeli experts on Jerusalem issues, from a variety of professional disciplines, implements the work of the Forum, aiming to create a reality more conducive to advancing final status negotiations on the issue of Jerusalem.

## **Executive Summary**

Urban planning is a critical tool in designing an effective, attractive, functioning city. A strong urban planning system provides a way of balancing the interests of various groups (public and private) and communities within the city – under an umbrella that protects the public interest, and allows the city to flourish.

In Jerusalem, the system of urban planning has been used to achieve Israeli national political goals, bolstering the Israeli population and control of land in the city, and limiting the urban development of, and control of land by, the Palestinian population. In order to preserve Jerusalem as a city of two peoples, the urban planning system needs to be reoriented in order to serve the needs and interests of both the Palestinian and the Israeli populations in the city.

In the current interim period, until a final status resolution is achieved for Jerusalem, the Urban Planning Working Group of the Jerusalem Policy Forum recommends the following immediate steps that are detailed in this paper:

### **1. Creation of a Planning Aid Council to facilitate community-based rezoning –**

- to assist Palestinian population in Jerusalem in designing urban plans that more accurately meet their current and development needs; and
- to assist in promoting these plans vis a vis the official urban planning system.

### **2. Change in Israeli planning and building policy in Jerusalem –**

- to facilitate the licensing of new housing construction in Palestinian neighborhoods under existing plans, and
- to discontinue the use of housing demolitions in East Jerusalem as a tool for limiting Palestinian development, rather than as a tool for preserving public safety.

In the medium term, as part of the path to final status arrangements in Jerusalem, the following steps are recommended. These steps are noted, but not detailed, in this paper:

- **Master-plan for East Jerusalem** – designing an overall plan that provides adequately for the current and development needs of the Palestinian population.
- **Palestinian planning administration for East Jerusalem** – establishing a planning administration that can oversee the creation of such a master-plan.
- **Land registry.** Currently, large tracts of land in East Jerusalem remained unsurveyed and/or their ownership is disputed, hindering proper planning and development. Ultimately, this issue needs to be tackled in the context of negotiations toward final status.

## **The Problem**

The total area of land annexed by Israel to Jerusalem is 71,000 dunams (71 sq. km. or approx. 18,000 acres), of which 6,500 dunams previously belonged to the East Jerusalem municipality (Jerusalem under Jordanian Rule) including the Old City, and the rest were taken from the jurisdictions of 28 Palestinian villages surrounding the city. As a result of this annexation the new municipal boundaries tripled in size from 38 sq. km. to 109 sq. km. The area of the enlarged Jerusalem municipality was increased again in May 1993 and reached 126 sq. km (126,400 dunams or approx. 32,000 acres).

One of the major mechanisms for denying access to land and shrinking the reserve lands for constructing residential houses and commercial buildings by the Palestinian residents of Jerusalem is the manipulation of urban zoning. Using this tool, the Israeli municipal and regional planning authorities have been systematically limiting the areas where Palestinians are authorized to request building permits. Of the total Palestinian area annexed to Jerusalem, almost 33% (24,178 dunams) were confiscated for Jewish settlements/neighborhoods.

Combined with the imposition of financial and technical constraints on building permits, the land use zoning has made it almost impossible for Palestinians to expand their dwellings beyond the already overcrowded neighborhoods, particularly in the pre-Jordanian municipal boundaries of East Jerusalem. Table 1 (see appendix) details the various measures taken by the Israeli authorities in order to cut down the available lands for construction of Arab dwellings within the municipal boundaries.

Table 2 (see appendix) highlights the fact that the Old City, and many of the East Jerusalem neighborhoods, have no available vacant lands left for future development.

The facts on the ground and the Israeli official reports indicate that large amounts of the confiscated lands have been used to build and expand Jewish settlements/neighborhoods. Table 3 (see appendix) shows how the Palestinian confiscated lands have been used to build more than 14 settlements/neighborhoods within the Israeli municipal boundaries. The table also shows that the entire confiscated lands (more than 24,000 dunams) were allocated to these settlements/neighborhoods including reserve lands. Given the current political situation and the low prospect for peace, the chances that some of the empty lands surrounding these settlements/neighborhoods would be allocated for constructing Palestinian houses are almost nil.

In addition, lands classified as “green” and “under planning” are mostly located near and around the Jewish settlements/ neighborhoods within the municipal boundaries and past experience shows that such lands are considered as reserve lands for current or future use by the settlements/ neighborhoods. For example, in the Palestinian neighborhood Shua’fat, the Israeli District Planning and Building Committee changed in 1991 the zoning status of some of the lands previously zoned in 1985 as “green” lands and made them available

for construction of houses to the nearby settlement / neighborhood of Rekhes Shlomo. Another example is the Palestinian land of Jabal Abu Ghneim (Har Homa), where a major portion of its land was declared in 1969 as forest (“green”) area. In 1991 the Israeli finance minister permitted the purchase of lots in these areas by private citizens (Israeli Jews) and then in 1996 the area was re-zoned by the Israeli authorities to become a residential area. And indeed the area has been renamed Har Homa (Barrier Mountain) where 1,800 dunams of Um Tuba Arab land were confiscated and used by Israel to build in the late nineties this new settlement. It is obvious that given the current political drive in Israel, any request for allocating parts of these lands to Arab housing would be categorically turned down.

The shortage of lands for construction of Palestinian houses has badly and critically affected the housing density of the Palestinian population. According to the 2002 ‘Jerusalem Statistical Yearbook’, the Palestinian population, which represents 32 % of the total Jerusalem population, lives in only 18 % of Jerusalem’s housing stock. The ‘Israeli Statistical Yearbook’ of 2006 indicated that the average room per person for Palestinian residents of East Jerusalem was 0.71, compared to 1.9 rooms per person for Jewish residents. Also in 2006, 37.6% of the Palestinian households had 6 to 11+ persons in the household, while only 8.1 % of the Jewish households had the same numbers, and the average number of persons per household among the Palestinians was 4.91 compared to 3.11 in the Jewish neighborhoods. Moreover, 23.1% of the Palestinian households lived in conditions of housing density of more than 3 persons per room while 1.6 % of the Jewish residents were in the same category of housing density. Furthermore, while 19% of the Jewish households lived in housing units in which housing density was one person per room, only 8.8 % of the Palestinian residents were in the same category of one person per one room.

The facts and figures in Table 3 clearly demonstrate the critical and stressful lack of available land for construction of Palestinian houses within the enlarged municipal boundaries and the urgent need for individuals and communities to find a solution to this crisis. In the absence of an organized and institutional solution to meet this exigency, and due to their urgent needs for housing, individual Arabs have been pushed to construct their houses without proper licenses in areas zoned as “green” or “for future planning” at the risk of having their houses demolished by the Israeli authorities. A recent review of the issue of demolishing Arab houses due to lack of proper licenses indicates that hundreds of Arab houses have been marked for demolition. According to data gathered by the Land Research Center of the Arab Studies Society, some 315 Arab houses within the municipal boundaries were demolished or sealed between 1998 and 2002, including 86 houses during the year 2002. According to the Israeli NGO Ir Amim report<sup>1</sup>, during the years 2004 to 2008, 422 Palestinian houses in Jerusalem were demolished by the Israeli authorities.

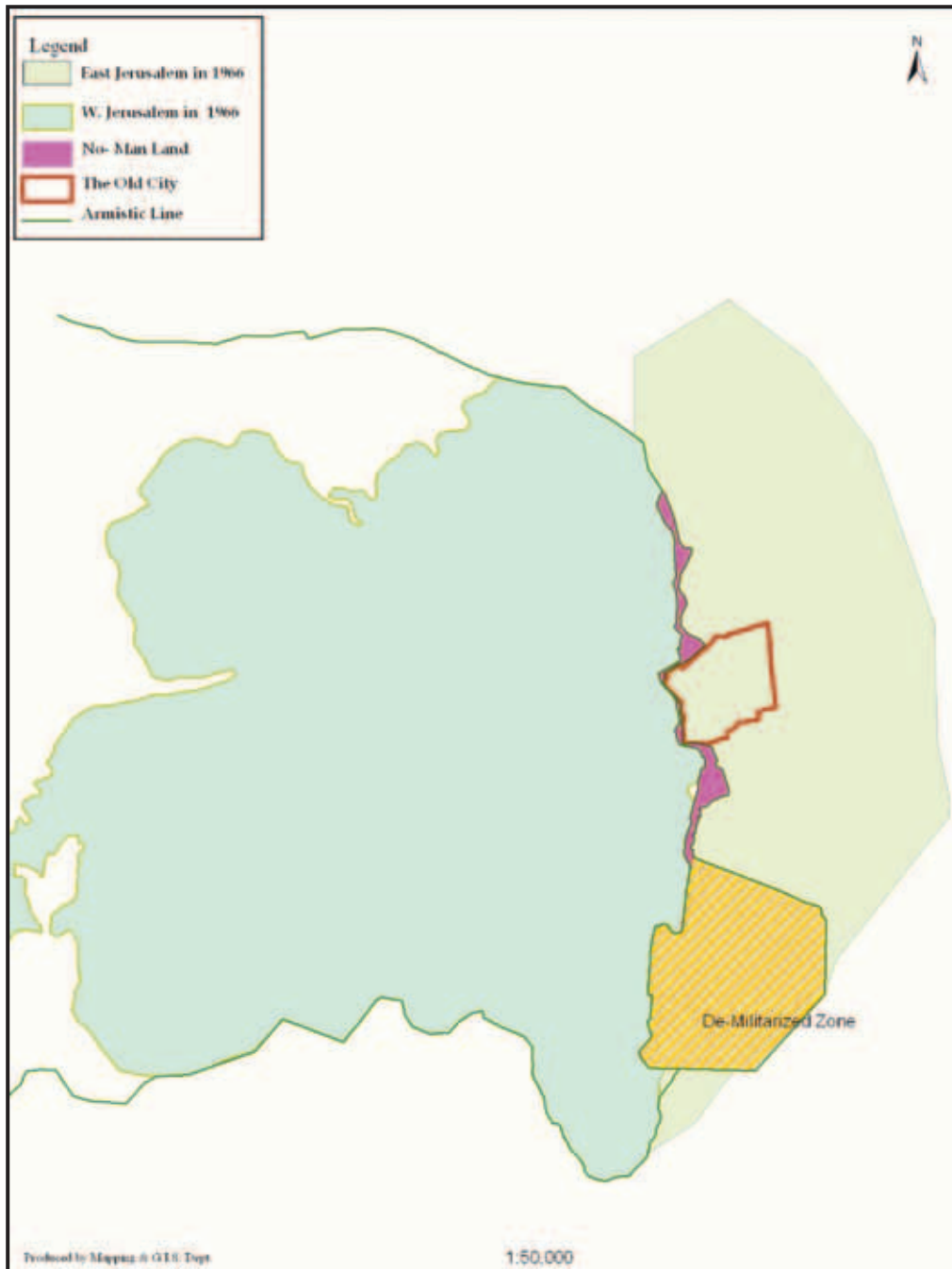
It should be noted that a new Israeli master-plan for Jerusalem (Jeruslaem 2000) is now currently under review at the regional planning committee. This is the first time that an overall plan for the entire city has been prepared. However, according to documents

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1 Ir Amim's Report "Jerusalem 2008: State of Affairs" by Att. Daniel Seidemann.

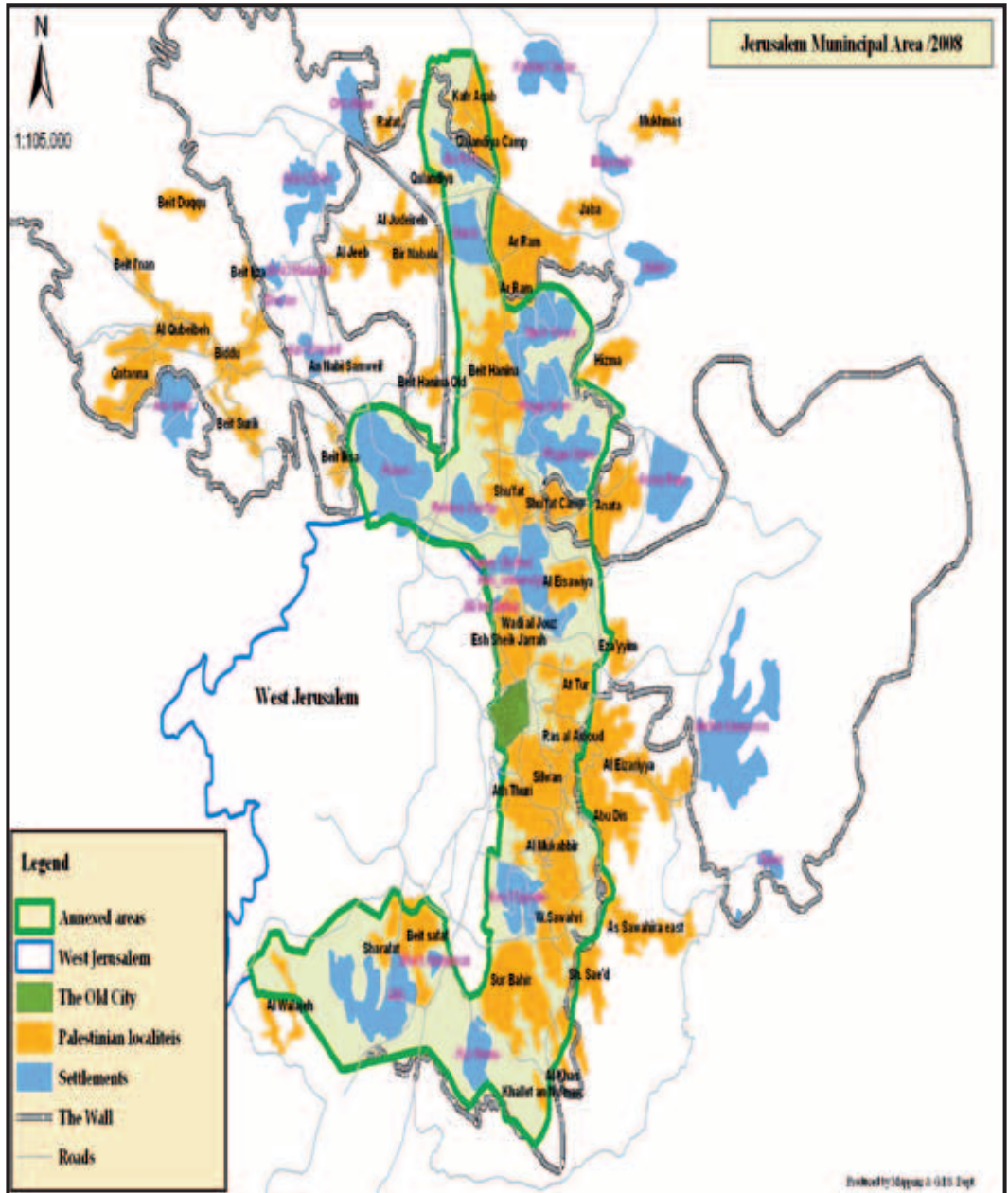
published by the Israeli NGO Bimkom – Planners for Planning Rights, as a whole the new plan perpetuates the current discrimination towards the Palestinian population of Jerusalem. The overall goal of the plan regarding the Palestinian population is based on the preservation of the demographic balance of 60% Jewish population and 40% Arab population, rather than on the real needs of the Palestinian population, and this goal has dictated the number of dwelling units allocated for the Palestinians in Jerusalem. (Officially, the demographic goal is to be achieved by attracting Jewish population to the city and diminishing the emigration of Jewish population out of the city however, unofficially, it is done also through limitations on the development of Palestinian housing, by various means). In the new plan, 750 existing “illegal” houses, many of them adjacent to the built up area, continue to be zoned as “green”.

**Boundaries of East and West Jerusalem on the Eve of 1967**





**East Jerusalem after 1967 – Israeli Municipal Boundaries**



## **What Can Be Done**

### **Policy recommendations**

In the current interim period, until a final status resolution is achieved for Jerusalem, the Urban Planning Working Group of the Jerusalem Policy Forum recommends the following immediate steps:

#### **1. Creation of a Planning Aid Council to facilitate community-based rezoning –**

- to assist Palestinian communities in Jerusalem in designing urban plans that more accurately meet their current and development needs; and
- to assist in incorporating these plans into the official urban planning system.

#### **2. Change in Israeli planning and building policy in Jerusalem –**

- to facilitate the licensing of new housing construction in Palestinian neighborhoods under existing plans, and
- to discontinue the use of housing demolitions in East Jerusalem as a tool for limiting Palestinian development, rather than as a tool for preserving public safety.

## **Action Recommendations**

### **I. Community-based Rezoning**

Until the day when an overall master-plan for East Jerusalem which takes into consideration the real needs and interests of the Palestinian population is approved, one of the ways to ease the suffocation of the Palestinian East Jerusalemite neighborhoods in terms of meeting the needs for the new generation to build their homes, is by rezoning of Palestinian lands currently zoned as “green” and “under planning”. Although, on the surface of it, this idea may be perceived as negating the overall Israeli political aim, the various Israeli government and local authorities are fully aware of the Arab housing exigency and the urgent need to provide the Palestinian neighborhoods with additional lands for constructing the needed houses.

A review of the areas zoned as “green” indicates that they could be classified into three sub-categories:

1. “green” lands around and within areas of Arab neighborhoods (1,998 dunams);
2. “green” lands with existing Israeli classified “illegal” Palestinian dwellings (658 dunams);

3. “green” lands around Jewish settlements/neighborhoods (4,044 dunams).

The first category of “green” lands amounts to 1,998 dunams out of a total of 6,700 dunams. The “green” lands which are already occupied by Palestinian dwellings (category 2) account for 658 dunams of the total while the rest of the “green” lands – 4,044 dunams are located close to Jewish settlements/neighborhoods. It is assumed that “green” areas of the first 2 categories, could be subject to claims for expanding the building zones of the Palestinian neighborhoods within the enlarged municipal boundaries. As to the lands zoned for “future planning”, a map review shows that out of the total 22,000 dunams under this category, 8,758 dunams are within and around areas of Palestinian neighborhoods (categories 1 and 2). It is again assumed that a claim for expanding the Palestinian neighborhoods into these areas could be made. In recent years there have been such private initiatives, with some extent of success.

In addition to the severe housing shortage in East Jerusalem, there is also a severe shortage in public facilities. Therefore, and in accordance with the Israeli Planning and Building Law, plans submitted for rezoning of areas for housing would include up to 40% for public uses – educational facilities, roads, parks, etc.

## **II. Planning Aid Council**

In order to facilitate such community-based rezoning, it is recommended to form a Planning Aid Council of professionals (planners, architects, engineers, surveyors and lawyers) as well as community leaders that will assist with planning and development for the benefit of East Jerusalem’s Palestinian residents. The primary task of the Planning Aid Council would be to select the areas deemed feasible for rezoning, and to help the residents submit the necessary statutory plans to the planning commissions for approval. The Urban Planning Working Group has begun an initial survey of possible tracts of land, and so far has identified 4 such possible areas (see appendix for possible site options). The council will examine these suggested sites (and others) and will choose those that are appropriate for initial planning.

The immediate goals and mission of such a Council would be to:

1. Assist Palestinian communities in developing professional zoning plans in order to allow bottom-up needs-based zoning and development [on selected parcels of land] in East Jerusalem.
2. Provide the planning assistance in order to develop new housing and public infrastructure on selected land parcels.
3. Document the process and publish a manual to assist with future development projects.

In the longer term, such a Council could serve to tackle issues that will need to be resolved in the context of planning for final status in Jerusalem:

1. Master-plan for East Jerusalem – the Council could draft and publish a master-plan for East Jerusalem that will provide for the current and development needs of the Arab population.
2. Palestinian planning administration for East Jerusalem – the Council could provide the professional basis for such an administration.
3. Land registry – Currently, large tracts of land in East Jerusalem remained unsurveyed and/or their ownership is disputed, hindering proper planning and development. The Council could provide the professional basis for building a valid land registry for these lands.

Once the Council has been established, its first mission would be the collection of relevant data in order to enable communities in the prioritization and selection of land parcels to be developed and following that, the submittal of the first pilot project to the planning committees. It should be noted that the estimated time period necessary for preparation and approval of such a plan is 2-3 years.

**III. Community engagement strategy:**

Community engagement in the planning process is a key element of the suggested strategy. Several benefits exist from involving the local community in a planning process. Local people can bring additional resources which are often essential if their needs and interests are to be met and some of their dreams fulfilled. Moreover, local inhabitants are invariably the best source of knowledge and wisdom about their surroundings. Involvement allows proposals to be tested and refined before adoption, resulting in better use of resources and builds confidence and ability to co-operate.

In the context of East Jerusalem there is a need for the Palestinian residents to gain trust in the possibility to create a better living environment and to understand all available planning options. Actively taking part in achieving this can start a more positive rather than negative process and avoid time-wasting conflicts. Engaging East Jerusalem's local residents in planning new residential areas can serve as an empowering resource building capacity for future planning projects involving community participation (see appendix for further information).



## Appendix

### A. Potential sites for community rezoning

#### 1. Location: Shu'afat / As Sahle



**2. Location: Silwan/ As-Sala'a**





**3. & 4. Location: Bet Hanina/ Al-Kharayeb**





**B. General guidelines for active community involved planning:**

- a. Meeting with community worker and assessing the potential interest and level of involvement of the local community.
- b. Inviting the local community for a briefing workshop where their views and interests can be heard and noted:

Briefing workshops are simple, easy-to-organise working sessions held to establish a project agenda or brief. Simultaneously they can:

- introduce people to the project;
- help establish the key issues;
- get people involved and motivated;
- identify useful talent and experience;
- identify the next steps needed.

They are useful at the start of a project and can act as a public launch. Potential beneficiaries of the project are invited to attend a workshop, usually lasting around 1.5 hours. Similar workshops may be held with different interest groups (eg: staff, leaders, young people, etc) or on different topics (eg: housing, jobs, open space, etc).

The workshop is facilitated by one or more individuals who will have planned a format to suit the context.

A record is kept of those who attend, the points made and key issues identified. People's contributions are anonymous unless agreed otherwise.

- a. Maintaining transparency – explaining the project milestones and difficulties involved maintaining realistic expectations.
- b. Holding periodic meetings (number of meetings to be assessed later) where residents are updated on the progress and can actively take part in visioning the future of the suggested site in design workshops:

Design workshops are hands-on sessions allowing small groups of professionals and non-professionals to work creatively together developing planning and design ideas. They will normally be held as part of a planning day or other action planning event.

People work in groups around a table with plans or a flexible model. Different groups can deal with different areas or the same area at different scales. Groups can be allocated a topic such as transport, open spaces or housing. Groups can vary in size (8 - 10 is a good average to aim at).

## *Toward Resolving the Planning Disparity In Jerusalem*

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Everyone is encouraged to develop their ideas by drawing or making adjustments to the model. Each group usually needs a facilitator, a note-taker and a mapper (who marks points on a map or plan).

A structured workshop procedure is often followed, especially if people have not worked together before.

**C. Estimated timing and schedule:**

It is recommended to hold the first launch meeting at the start of the project (after the funding has been approved). The number of design workshops and follow up meetings are flexible and depend on the community’s commitment and interest. Usually holding one or two design workshops a few weeks after the launch and organising further meetings every few weeks to keep the community updated throughout the project.

**Estimated work schedule and timing for planning of each statutory plan (after funding has been approved):**

Preliminary data collection and documentation	2-3 months
Preparation of initial outline of plan, including division of parcels, design of roads and public uses in coordination with the municipal planners	3-4 months
Discussions with city planners and various municipal departments.	2-3 months
Completion of plan and submitting it to the various planning departments of the city with possible amendments.	2-3 months.
Submitting the final amended plan to the Local and Regional Planning Committees for discussion and approval.	2-3 months

Once the plan has been completed, the length of time necessary for approval by the planning committees is difficult to estimate and depends on a variety of parameters. In some cases it could be a lengthy period of 2-3 years.

**Table 1 - Size (in Dunams) and classification of lands in the areas of “Jerusalem municipal boundaries” (Annexed)**

Name of locality	Land of locality	Land annexed to Jerusalem	Status of annexed lands				
			Confiscated	Green*	Built up area	Under* planning	Remaining (empty)
Abu Dis	15,861	950	-	-	362	877	0
Al Eisawiya <sup>1</sup>	10,399	2,334	432	1,051	719	111	132
Al Ram	5,765	255	58	-	27	67	130
Anata	31,084	815	-	334	259	186	50
Assawahreh W. <sup>2</sup>	1,796	1,796	58	-	970	1,262	0
At Tur <sup>1</sup>	8,830	2,469	43	935	1369	25	120
Beit Haninah <sup>1</sup>	16,407	11,999	3,976	1,292	2,847	1,552	2,240
Beit Iksa	9,151	1,876	1,339	-	-	523	14
Beit Safafa & Sharafat <sup>1</sup>	5,005	4,519 (+ 486 annexed in 1948)	1,083	229	1,075	1,354	1,130
Beit Sahur	13,108	3,459	1,447	-	124	2,440	0
Hizma	10,238	4,524	2,334	-	112	702	1,480
Kufr A'qab	5,488	1,376	30	-	895	471	0
Lifta <sup>3</sup>	11,993	5,801	4,173	-	-	-	0
Old City <sup>1</sup>	871	904.7	116	30	758	-	0
E. Jerusalem <sup>1</sup>	3,282	3,282	1,644	422	1,658	341	0
Qalandiya <sup>1</sup>	4,486	3,407	1,000	39	334	872	350
Rafat	3,768	319	-	319	280	-	0
Shu'fat <sup>1</sup>	5,274	5,274	1,929	1,132	1,718	173	400
Silwan <sup>1</sup>	6,113	5,927 (+ 186 annexed in 1948)	691	631	4,820	2,500	0
Sur Baher & Um Toba <sup>1</sup>	10,137	7,396	1,823	-	2,570	3,529	3,000
Al Birah	23,012	420	-	-	212	342	0
Beit Jala	14,630	3,255	945	-	-	2310	0
Al Walajeh	17,708	3118	236	-	290	1,978	614
Al Malha <sup>3</sup>	6,828	863	242	621	-	-	0
Total		71,055	23,599	6,669	21,399	22,086	9,660

(1) Localities are totally inside the enlarged “Jerusalem municipal boundaries”. The rest are outside the boundaries but some of their lands have been annexed.

(2) Only the western village was annexed to the municipal boundaries.

(3) The village is located west of the 1948 borders but some of its lands are east of the border. \* Partially overlapping with built up areas.

**Table 2 – Remaining (available) lands of localities annexed to the “Jerusalem municipal boundaries” – in dunams**

Name of locality	Total land of locality	Total in West Bank	Annexed to Jerusalem municipality	Empty land in West Bank	Empty land in Jerusalem municipality	Total of empty land	Per centage of empty from total
Abu Dis	15,861	14,911	950	5,267	0	5,267	33.2
Al Eisawiya <sup>1</sup>	10,399	8,065	2,334	1,095	132	1,227	11.8
Al Ram	5,765	5,510	255	2,105	130	2,235	38.8
Anata	31,084	30,269	815	22,713	50	22,763	73.2
Assawahreh East & West	67,220	65,424	1,796	21,540	0	21,540	32.04
At Tur <sup>1</sup>	8,830	6,361	2,469	938	120	1,058	12
Beit Haninah <sup>1</sup>	16,407	4,408	11,999	3,351	2,240	5,591	34.1
Beit Ikra	9,151	7,279	1,876	6,898	14	6,912	75.5
Beit Safafa & Sharafat <sup>1</sup>	5,005	0	5,005	0	1,130	1,130	22.6
Beit Sahur	13,108	9,649?	3,459	?	0	?	NA
Hizma	10,238	5,714	4,524	4,897	1,480	6,377	62.3
Kufr A'qab	5,488	4,112	1,376	2,776	0	2,776	50.6
Lifta <sup>2</sup>	11,993	0	2,610	0	0	0	0
Old City <sup>1</sup>	871	0	904.7	0	0	0	0
East Jerusalem <sup>1</sup>	3,282	0	3,282	0	0	0	0
Qalandiya <sup>1</sup>	4,486	1,079	3,407	672	350	1,022	22.8
Rafat	3,768	3,449	319	2,703	0		71.7
Shu'fat <sup>1</sup>	5,274	0	5,274	0	400	400	7.6
Silwan <sup>1</sup>	6,113	0	6,113	0	0	0	0
Sur Baher & Um Toba <sup>1</sup>	10,137	2,741	7,396	2,480	3,000	5,480	54
Al Birah	1,132	712	420	451	0	451	40
Beit Jala	14,630	11,630	3,255	5,705	0	5,705	39
Al Walajeh	17,708	14,590	3,118		614		
Al Malha <sup>2</sup>	6,828	0	6,828	0	0	0	0

(1) Localities are totally inside the “Jerusalem municipal boundaries”. The rest are outside the boundaries but some of their lands have been annexed.

(2) The village is west of the 1948 borders but some of its lands are in East Jerusalem

**Table 3- Allocation of confiscated lands to Jewish settlements (in dunams) – by settlement and Arab locality from which the land was confiscated.**

<b>Name of settlement</b>	<b>Name of Arab locality</b>	<b>Number of confiscated dunams</b>
French Hill, Mount Scopus, Ramat Eshkol	Lifta	3,345
Ma'alot Dafnah	East Jerusalem	485
Neve Ya'acov	Beit Haninah, Hizma	1,235
Jewish quarter-Old City	Old City	116
Ramot Alon, Reckhes Shu'afat	Lifta, Beit Eksa, Shu'fat	4,840
East Talpiot	Sur Baher	2,240
Gilo	Beit Jala, Beit Safafa, Sharafat	2,700
Atarot	Qalandiya	1,337
Ramat Rahel-Extension	Sur Baher	600
Pisgat Ze'ev	Hizma, Beit Haninah	4,400
Jabal Abu Ghnaim	Jabal Abu Ghnaim	2,130
Jaffa street and Rababah	East Jerusalem	230
Additional lands for Gilo and Neve Ya'acov	Beit Safafa, Beit Haninah	535
<b>Total</b>		<b>24,193</b>

## **Team Members**

**Saman Khoury** - General Manager of the Palestinian Peace and Democracy Forum, journalist, Board member of Palestinian Peace Coalition; participant in the Geneva Initiative.

**Prof. Elinoar Barzachi** - Former City Engineer for the Municipality of Jerusalem, founding dean of the School for Architecture at Tel Aviv University, current Chair of the Board of Ir Amim.

**Jonathan Rokem** - Urban and Regional Planner, works as a consultant and project manager for public and private sector. Formerly projects and policy manager at the (TCPA) Town and Country Planning Association, London, United Kingdom, and project manager for the (APaNGO) Advocacy Participation and NGOs in Planning European Project.

**Khalil Tafakji** – MA in Geographical Data Computation Systems from Arizona University; Director of The Arab Research institute – Maps and Geographic Data Systems; member of the Palestinian Peace Negotiating team between 1993 and 2001; former member of Final Status Negotiations Palestinian team on the issues of Jerusalem, Settlements, and Borders.

**Littal Yadin** - Urban planner; works as private consultant and project manager for public and private sector mainly on infrastructure projects ; formerly Deputy Director General (Planning) for the Israel Government Tourist Corporation and Director of Planning Department at the Jerusalem Municipality (1990-1995).

**Prof. Eran Razin** – Group Consultant; the Hebrew University.

**Staffed by Nora Biatra-Rayan**

*Prepared by Jonathan Rokem, Khalil Tafakji & Littal Yadin  
on behalf of the Jerusalem Policy Forum  
Urban Planning Team*

