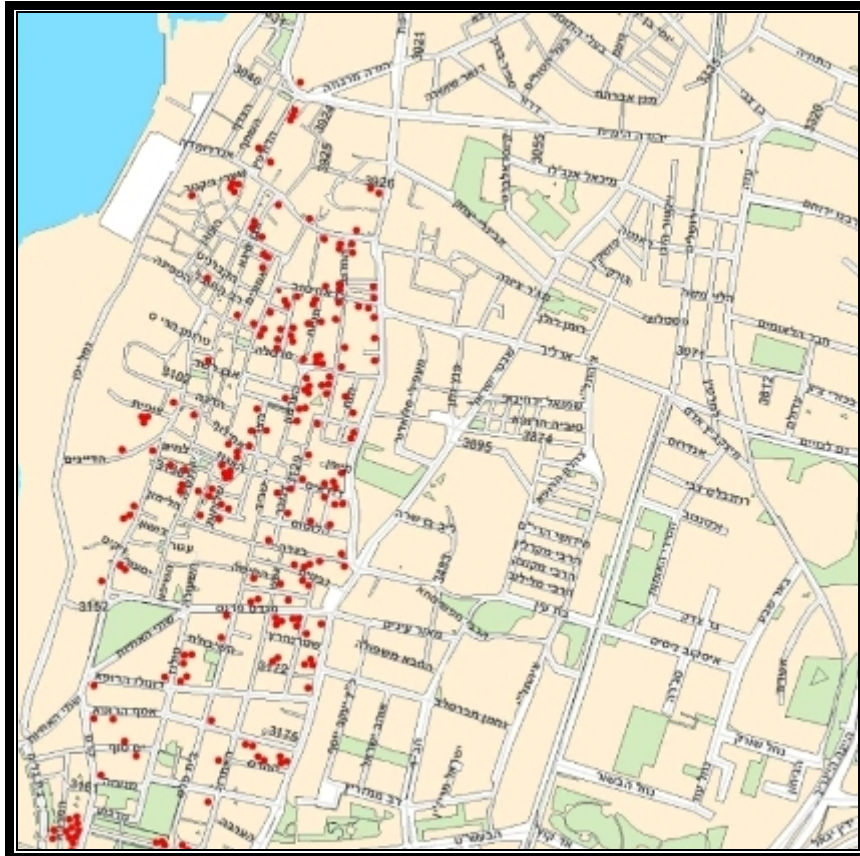


Unprotected Citizens



Amidar public housing company threatens to evict 497 Palestinian families in Jaffa-Tel Aviv



האגודה הערבית לזכויות האדם
Arab Association for Human Rights

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Cover photo: Map showing (in red) the houses facing eviction – Israel Lands Administration

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The Arab Association for Human Rights (HRA) was founded in 1988 by a group of lawyers and community activists to promote and protect the civil and political, economic, social and cultural rights of the Palestinian Arab minority in Israel from an international human-rights perspective. In 2003, the HRA expanded its activities to include a human-rights monitoring program, whose methodology relies on field research and interviews and legal analysis of the domestic and international human-rights standards. The idea of establishing a Research and Reporting program was first developed by the HRA in the wake of the events of October 2000, when 13 Palestinian Arabs (twelve citizens of Israel and one from the Occupied Palestinian Territories) were killed by state police forces. Since that time, a steady trickle of serious and often physical human-rights abuses against minority citizens means that the need for human-rights documentation and reporting of these abuses is more vital than ever.

Introduction

“The war that began in 1948 to purge Jaffa of its Arab residents has never ended and continues to this day. In 1948 it was waged by force, and today they use legal and economic means. The state claims that these are the rules of the market, in full knowledge that they will work against the Arab population.”¹

On 19 March 2007, Amidar Israel National Housing Company (hereinafter: “Amidar”) published a document entitled “A Review of the Stock of Squatted Properties in Jaffa – Interior Committee, Israel Knesset.” The document reviewed properties managed by the company in the Jaffa–Tel Aviv area. Section 5 noted that “the project includes a total of 497 squatters, constituting 16.8 percent of the total properties managed by Amidar” (see appendix below).

Section 5 of the document relates, in fact, to 497 orders received over the past eighteen months by Palestinian families living in the Ajami and Jabaliya neighborhoods in Jaffa to vacate their homes or businesses. These homes are owned by the state and managed by Amidar in its name. The grounds for eviction range from “squatting” in the property to “building additions” to properties undertaken by the Palestinian tenants of these properties without approval from Amidar and without obtaining a permit from the planning and building authorities.

By law, eviction is permitted in such circumstances. Accordingly, the eviction orders may ostensibly seem to be a legitimate and lawful move by Amidar in response to legal violations by the tenants. Israeli law empowers a landlord letting his property to another – a status that applies to the relationship between the Palestinian tenants and Amidar – to demand the eviction of a tenant who has violated the law or the rental contract with the landlord. Squatting or building additions to the property without the approval of the landlord or the planning authorities are considered violations justifying the eviction of the tenant.

According to the Palestinian residents, however, the issuing of these orders actually reflects a desire to evict them from the neighborhood, which in recent years has become a magnet for wealthy Jewish buyers. They believe that the issuing of the eviction orders cannot be divorced from a process termed the “development of Jaffa” by the Tel Aviv Municipality. This process, which is currently at its peak, actually amounts to a plan to “judaize” Jaffa, i.e. to attract as many Jewish residents as possible to the area, which is currently perceived

¹ From the comments of Attorney Hisham Shabaita of Jaffa in an interview with the Arab Association for Human Rights (hereinafter: “HRA”), 11 January 2008.

by the Jewish public as an “Arab” city – despite the fact that, in statistical terms, this is inaccurate.²

In the late 1990s, after Mr. Ron Huldai was elected to serve as mayor of Tel Aviv–Jaffa, he announced that special priority would be given to establishing an organizational framework that would be charged with “rehabilitating and developing Jaffa,”³ and particularly the Ajami neighborhood. The organizational structure was indeed established (the Supplementary Authority for Jaffa) and, in theory, it has since been active in efforts to “develop Jaffa.” Over time, however, it has emerged that the development of the Ajami neighborhood is not intended for the benefit of its Palestinian residents, who constitute 80 percent of the population and who have for decades suffered from profound neglect in all areas of life. While it might be expected that the development of the neighborhood would seek to improve their quality, the actual goal is to “tempt” Jewish residents to move to the area which, since the events of October 2000, has been perceived as a “frightening” residential area among the Jewish public.

In practice, the “development” of Jaffa has resulted in a growing number of Arab residents leaving the area as real estate prices have soared following the development process. Conversely, a growing number of prosperous Jewish residents have moved into the neighborhood. The local Palestinian residents have good cause to believe that this was the original intention behind the program. Those involved must have been aware that the development of the area would lead to a rise in real estate prices, and that this would eventually leave the Palestinian residents with no choice but to leave the area. Attorney Hisham Shabaita, a social activist and Jaffa resident who is employed at the Law Clinic of Tel Aviv University, commented: “The state claims that these are the rules of the market, in full knowledge that they will work against the Arab population.”⁴

The suspicions of the Palestinian residents are corroborated by the fact that most of the alleged legal violations attributed to the Palestinian tenants (the cases of squatting and building additions alleged by Amidar) were committed 20 to 30 years ago. In light of this, the Palestinian residents find themselves wondering why Amidar has only now remembered to enforce the law!

In March 2007, in response to the publication of the document prepared by Amidar, a group of local social activists formed a committee called The

² The statistics show that just one-third of the residents of Jaffa are Arabs. See the Statistical Yearbook of the Municipality of Tel Aviv–Jaffa, 2007, Summary of Trends and Figures (<http://www.tel-aviv.gov.il/Hebrew/MultimediaServer/Documents/125169526.pdf>) (in Hebrew).

³ From the website of the Municipality of Tel Aviv–Jaffa: <http://www.tel-aviv.gov.il/Hebrew/Yafo/Index.asp> (in Hebrew).

⁴ See note 1 above.

Popular Committee to Defend the Right to Housing and Land in Jaffa. The committee is comprised of “residents, social activists, movements, organizations, and political parties in Jaffa representing the common public interest of the Palestinian population.” In the short term, the committee demands that the authorities (the Israel Lands Administration, Amidar, and the Municipality of Tel Aviv–Jaffa) freeze the eviction orders they issued. In the long term, it seeks “recognition of the Palestinian community in Jaffa as a collective with historical rights to land and properties.”

According to the committee, the Palestinian residents of Jaffa face a constant threat, and the current eviction orders are just part of an overall plan on the part of the authorities to Judaize Jaffa on the pretext of legal violations. Most of the Palestinian residents link the latest eviction orders with the ethnic cleansing of the Palestinian population in 1948 in Jaffa and elsewhere. The difference between the two periods is the tool used. While in 1948 the Palestinians were evicted from their homes by force, 60 years on the authorities are now trying to evict the Palestinians – who have since become citizens in the Jewish state – by economic and legal means. For these residents, ethnic cleansing did not end in 1948. It continues to this day, albeit by different means. The process being implemented in Jaffa (and in other locations in Israel) amounts to the “quiet transfer” of the Palestinian residents.

This report documents the danger of eviction facing the Palestinian residents of the Ajami neighborhood in Jaffa and reveals the true motives behind this process.

The Ethnic Cleansing of Jaffa in 1948

Jaffa (Yafa in Arabic, Yaffo in Hebrew) is one of the oldest port cities in the world. Situated on the Mediterranean coast, Jaffa served as an important port. The name of the city is sometimes attributed to the Egyptian word “Ya-Pho” meaning beauty, presumably alluding to the natural beauty of the town. An alternative tradition attributes the name to Iopeia, or Cassiopeia, the mother of Andromeda (a figure in Greek mythology).⁵ The city was also known as “the Bride of the Sea” in recognition of its beauty.

Jaffa has an impressive and ancient history reaching back to the Bronze Age. In 632 the Muslim general Amru Ben-Alas conquered the city and gave it its Arab character.⁶ Until 1948, Jaffa was the most important urban, cultural, and commercial center in Palestine. The Jaffa District included 24 Palestinian villages in the surrounding area, and the city itself was the focus for diverse cultural, social, educational, and commercial life. Leading Arab singers such as Um Kulthum and Farid al-Atrash visited the city. Dozens of newspapers and journals were published in Jaffa; vocational schools were established in the city, along with light industry and commerce, and women’s and youth movements flourished. Jaffa was one of the centers of the Palestinian national movements and was the cradle of Palestinian culture and national awareness.⁷ In 1948, approximately 70,000 Palestinians lived in the city.

⁵ See Wikipedia: http://en.wikipedia.org/wiki/Andromeda_%28mythology%29.

⁶ See Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oneworld Publication, 2006), p. 114. The work was translated into Arabic in 2007 by the Institute for Palestine Studies; the page references in this report refer to the Arabic translation.

⁷ See Rami Nashéf, “The Quiet Transfer in Jaffa,” *Machsom*, 15 November 2007 <http://www.machsom.com/article.php?id=6424> (in Hebrew).



Photograph: View of the Old City of Jaffa from the sea

According to the partition plan,⁸ Jaffa was supposed to be included in the future Palestinian state (as a Palestinian enclave surrounded by Jewish territory). Immediately after the announcement of the plan, the Jewish forces began to implement “Plan Dalet,” a plan developed earlier and intended primarily to cause the ethnic cleansing of Palestinians included in the intended territory of the Jewish state. The ethnic cleansing of Palestinians in the area of the future Jewish state was to be implemented through the occupation of Arab villages, the forced expulsion of their residents from their homes, and the destruction of the villages. Numerous war crimes were committed during the occupation process, including massacres of Palestinian residents (such as the massacre in Dir Yassin, for example). Many Palestinians were killed in cold blood by the Jewish militias, both in revenge for the killing of Jews and in order to intimidate the remaining residents into leaving their homes “voluntarily.”⁹

In May 1948, as part of Plan Dalet, 5,000 soldiers from the Hagana and Etzel organizations attacked the city of Jaffa. They established positions in the Jewish neighborhoods surrounding the city, which formed part of the Jewish city of Tel Aviv established in 1909. After three weeks of attacks and intensive artillery fire against the Palestinian city, including the use of advanced mortars, Jaffa finally fell to the Jewish forces on 13 May 1948. On 14 May 1948, the Palestinian population (that remained in the city) signed an unconditional surrender agreement with the district commander of the Hagana. After the

⁸ The Partition Plan was published by the United Nations on 29 November 1947 and advocated the division of Mandatory Palestine into two independent states, Jewish and Palestinian, after the expiry of the British Mandate.

⁹ For further details on the ethnic cleansing undertaken in accordance with Plan Dalet, see Ilan Pappé, note 6 above.

occupation of the city, 95 percent of the Palestinians were expelled, mainly to Gaza and to Beirut, Lebanon. The city became a ghost-town. Ilan Pappé describes the expulsion in the following terms:

“People were pushed toward the sea as they attempted to board the small fishing boats that would take them to Gaza. All the time the Jewish forces fired live ammunition over the heads in order to accelerate their departure.”¹⁰



Photograph: Palestinians leaving Jaffa during the ethnic cleansing of 1948

¹⁰ Ilan Pappé, note 6 above, p. 115.

The Confiscation of Property

After the establishment of the State of Israel, those Palestinians who remained within its territory were granted citizenship. Until 1966, however, they were placed under martial law. The main function of the martial law regime was to ensure the special supervision of Palestinian citizens. This supervision was defined as the “security supervision” of a “hostile” population that was defined as a “fifth column,” and it took numerous forms. Palestinian citizens were denied freedom of movement and freedom of association, and in general were not free to act as they chose. In ideological, public, and political terms, Israel justified this regime by claiming that the Palestinian population, which at the time comprised just 250,000 people (12 percent of the total population of Israel) presented a threat to the security and the very existence of the Jewish state. Israeli leaders saw martial law as the main instrument for ensuring the strict supervision and control of the Arab citizens and for advancing the program to judaize the country.¹¹

Of over 70,000 Palestinians who lived in Jaffa before the expulsion, approximately 4,000 remained, most of them impoverished. After the establishment of Israel, these Palestinians received Israeli citizenship, were concentrated in the Ajami neighborhood along the coast, and were subjected to strict martial law. The neighborhood was surrounded with a barbed wire fence and checkpoints inspected all those entering or leaving the area. Residents were only permitted to leave the neighborhood after receiving a permit from the military commander. This situation continued until 1950, when martial law was lifted from Jaffa (though it continued in other Palestinian villages around Israel until 1966). After martial law was lifted, the city of Jaffa became the “Jaffa Administration” under the Tel Aviv Municipality. In the early 1950s, the two cities were unified under a single municipality called “Tel Aviv–Jaffa.”

In March 1950, Israel enacted the Absentee Property Law, 5710-1950. The law (Article 1) defined as an “absentee” any person who, during the period 29 November, 1947 and 19 May, 1948 was: (1) a citizen or subject of Lebanon, Egypt, Syria, Saudi Arabia, Transjordan, Iraq, or Yemen; or (2) was present in one of these countries, or in any part of the “Land of Israel” outside the territory of the State of Israel. The law defined “absentee property” as any property within the borders of the new state whose “lawful owner or beneficiary or holder, in person or through another” was absent between the above-mentioned dates. The law also established (in article 4) that any absentee

¹¹ Yair Baumel, “Martial Law and the Process of Elimination, 1958-1968,” *The New East*, Vo. 43, pp. 133-156 (in Hebrew). An abstract of the article (in Hebrew) is available at: <http://www.ornim.ac.il/Docs/%D7%99%D7%90%D7%99%D7%A8%20%D7%91%D7%95%D7%99%D7%9E%D7%9C.doc>.

property would be transferred to the Custodian Council for Absentee Property. The council is a body appointed by the minister of the interior and charged with managing all properties transferred thereto under the law (article 2). The council is headed by the Custodian of Absentee Properties. According to the law, “any right held by an absentee in a property automatically transfers to the Custodian at the time of the allocation of the property” (article 4(a)(1)). Ownership of absentee properties is thus transferred to the Custodian of Absentee Properties.

Since the vast majority of Palestinians were expelled from their homes following the ethnic cleansing of 1948, they left behind extensive property, including both real estate and chattels. Through this law, the new state transferred the ownership of hundreds of thousands of acres of Palestinian-owned land to the state (the Custodian of Absentee Properties) by declaring that all the Palestinian refugees who “left” their homes and were not within the territory of the State of Israel between the above-mentioned dates are “absentees” and, accordingly, all their property becomes “absentee property.” The fact that these refugees were ejected from their homes by the Jewish forces is immaterial, as far as the law is concerned, in terms of the transfer of the right to the Custodian of Absentee Property. The ownership of the property is transferred automatically, provided the (Palestinian) owner was not present within the territory of the new state between the relevant dates.

Similarly, all the homes and businesses owned by Palestinians in Jaffa were transferred to the ownership of the Custodian of Absentee Property. Palestinians who were expelled from their homes were regarded as “absentees” under the law and, accordingly, the rights to their homes were transferred to the Custodian. Many families, however, remained in their homes and did not leave the city (some 4,000 Palestinians). Nevertheless, on various pretexts, their homes were declared “absentee property” and the rights were transferred to the Custodian of Absentee Property, despite the fact that they were present in their homes between the relevant dates.¹² Thus they lost their ownership rights to their property in favor of the new state. In effect, Israel “nationalized” the property of the Palestinians, both those who were expelled in 1948 and those who remained, transferring it to the ownership of the Jewish nation.

The land owned by the Custodian of Absentee Property was later transferred to the Development Authority, a quasi-governmental body established in 1950 under the Development Authority Law (Transfer of Property), 5710-1950. The function of the Development Authority is to manage the land transferred to the Custodian of Absentee Property, as well as land confiscated in accordance with the Land Acquisition Law (Authorization of Actions and Compensation), 5713-1953. The Israel Lands Administration (hereinafter: “ILA”) was established in 1960 in accordance with the Israel Lands Administration Law, 5720-1960. Its

¹² For example, see the story of the Hatab family in the Case Studies section below.

functions include the management of land owned by the Development Authority. The net result is that the ILA manages the property confiscated from Palestinians and transferred to the Custodian.

The Palestinian Residents: “Protected Tenants” in Their Own Homes

Amidar Israel National Housing Company Ltd. is a government company established in early 1949, just a few months after the establishment of the State of Israel. Its functions were described on its establishment as: “To engage in enterprises in building, development, intake of residents and maintenance in the state; to promote and encourage building, development, and housing projects in such manner as the company shall see fit.” Amidar is the largest company in Israel involved in the management of public housing properties. The largest shareholder in Amidar is the Jewish Agency for Israel (50 percent); the remaining shares are held by the government (20 percent), the Jewish National Fund (20 percent), and five housing companies (10 percent).¹³

After the establishment of Israel, there was an urgent need to find housing solutions for the Jewish new immigrants. To this end the ILA transferred property and land that had previously been transferred from Palestinian ownership under the various confiscation laws, including the Absentee Property Law, to the management of the Amidar company in order to meet this need. In the first stage, some new immigrants were housed in buildings that had formerly housed Palestinians who had been expelled. However the number of such houses was limited and not suited to the needs of mass immigration. Accordingly, from the early 1950s the government initiated the establishment of housing projects including thousands of apartments throughout Israel. Amidar played a major role in establishing the projects and in settling new immigrants in these properties, and has continued to manage and maintain the housing projects to this day.¹⁴

Amidar housed new Jewish immigrants on the basis of standard rental contracts for new tenants. Over time, however, these tenants became “protected tenants” in the homes they rented from the company, under the terms of the Tenant Protection Law [Combined Version], 5732-1972, which relates to the rental of properties.¹⁵

The Tenant Protection Law was intended mainly to protect the tenant against eviction from the property. A protected tenant is one who meets one of the

¹³ See the company’s website: <http://www.amidar.co.il> (in Hebrew).

¹⁴ See Wikipedia, <http://he.wikipedia.org/wiki/%D7%A2%D7%9E%D7%99%D7%93%D7%A8> (in Hebrew).

¹⁵ The Tenant Protection Law [Combined Version], 5732-1972 is the most recent version of the Key Money Law, 5718-1958, which underwent several amendments following its enactment in 1958. Prior to 1958, a similar law introduced during the British Mandate period before the establishment of Israel remained in force.

following conditions: (A) A person holding an apartment or business and who has paid key money therefore; (B) A tenant who did not pay key money, but who entered the property before 1940; (C) A tenant who was entitled to hold the property as of 20 August 1968 in accordance with a rental contract that does not explicitly state that the Tenant Protection Law does not apply thereto; (D) Any relative who became a protected tenant after receiving the right from the original protected tenant; (E) A tenant who entered the property after 20 June 1968, where the contract states that the tenant is to receive the status of a protected tenant.

Key money is any remuneration other than rental fee paid in connection with the rental of a property, or in connection with an application to receive possession or to return possession of a property. After payment of key money, the tenant continues to pay rental fees at a reduced level (key money is not a substitute for rental fees). The payment of key money grants the tenant protection under the law. In return for payment of part of the value of the property – generally ranging from one-third to one-half of its market value – the tenant receives the permanent right to live in the property for the entire duration of his life, provided he meets his obligations.

The tenant protection laws imposed various restrictions on the landlord: (A) The law limits the level of the rental fees (which are very low by comparison to the general market); (B) the tenancy is ongoing and the tenant and family cannot be evicted from the property for the duration of the tenant's life, except in accordance with specific grounds for eviction as established in the law; (C) the tenant's rights can be transferred to his/her relatives (after death, or if the family unit separates, in accordance with the conditions established in the law); (D) in some cases, a protected tenant who wishes to leave the property is entitled to receive reimbursement of part of the key money.

As for the obligations imposed on the protected tenant: (A) The protected tenant must observe all the conditions of the contract signed at the beginning of the tenancy; (B) the tenant must pay the rental fee promptly and in the manner determined by the landlord; (C) the tenant must pay part of the expenses required for the maintenance of the property; (D) if the tenant abandons the property, the rights thereto may be lost.

The Tenant Protection Law also specifies the cases in which the landlord is entitled to request an eviction order against the protected tenant: (1) If the tenant fails to pay rent; (2) if the tenant fails to observe any condition in the agreement violation of which is defined as grounds for eviction; (3) if the tenant causes significant and deliberate damage to the property, in person or through others; (4) if the tenant (or another person authorized by the tenant) uses the property for an unlawful purpose; (5) if the tenant (or another person authorized by the tenant) disturbs or aggravates the neighbors; (6) if the tenant sublet the property or part thereof and made an unfair profit (by reference to the rental fees as paid by the tenant and to the circumstances); (7) if the landlord

requires the property (“own use”) and the landlord agrees to make an “alternative arrangement” available to the tenant; (8) if the property is required by a landlord that is the state or a local authority for a vital public need, and the landlord agrees to make an “alternative arrangement” available to the tenant; (9) if the property is required by a landlord that is a public body for the purpose of rental to indigent persons (and the tenant does not meet this condition), and the landlord agrees to make an “alternative arrangement” available to the tenant; (10) if the landlord wishes to demolish the property or the building in order to establish another building or undertake fundamental repairs (and has received the necessary building permits), and the landlord has agreed to make an “alternative arrangement” available to the tenant; (11) if premises that are a yard or garden are required by the landlord for the purpose of establishing a building or a building extension (and the landlord has received the necessary building permits), and the landlord has agreed to make an “alternative arrangement” available to the tenant.

For this purpose, the “alternative arrangement” the landlord is permitted to offer the tenant for the purpose of eviction may be an alternative property, compensation, or any other means.

In accordance with the Tenant Protection Law, Amidar tenants became “protected tenants.” Accordingly, they received protection against eviction from their homes, which was possible only in accordance with the 11 legal grounds detailed above.

Through the same process, the Palestinian residents who remained in Jaffa also became “protected tenants” in their homes, which they had previously owned. Many Palestinian families still live in the same homes their families lived for years prior to the establishment of the State of Israel. After the establishment of the state, however, their status in their home was reduced from that of owners to the inferior status of protected tenants.¹⁶

After the establishment of Israel, many Palestinian residents came to live in Jaffa from Palestinian villages, mainly in order to seek employment in the city. They naturally tended to move into the Ajami neighborhood, as the center of the Palestinian community. These Palestinians lived in homes that formerly belonged to Palestinian residents who were expelled from the city, and they, too, received the status of protected tenants in their homes.

The salient characteristic of protected tenancy as opposed to ownership is the mobile nature of the arrangement. It is true that, in accordance with the law, the protected tenant is generally safe from the threat of eviction – provided he observes the law, the landlord cannot evict him. This situation may last for decades. Nevertheless, the landlord is entitled to demand eviction if the property is required for “own use” (item 7 in the grounds for eviction as

¹⁶ For example, see the story of the Hatab family in the Case Studies section below.

detailed above). In this situation, the landlord must find alternative accommodation for the tenant, whose rights are transferred to the new property. The tenant cannot, however, refuse to vacate the property and must accept the landlord's decision and move to the alternative accommodation. Thus the tenant is ultimately dependent on the good will of the landlord, who can permit the tenant to remain or require that he move elsewhere as he sees fit.

The protected tenancy arrangements are an example of the social protection afforded to citizens by the state in order to prevent situations in which they may find themselves without a roof over the heads. These arrangements were particularly important during the early years following the establishment of Israel. The waves of mass Jewish immigration and the high level of demand for housing led to rising rent levels, and it was feared that many new immigrants would be unable to afford accommodation. In the case of many of the Palestinian residents of Jaffa, however, protected tenancy cannot be interpreted as a manifestation of social protection. In fact, it constituted a typical arrangement in terms of the approach to the Palestinian population that remained in Israel following ethnic cleansing. The Palestinians were deprived of their assets and became dependent on the mercy of the Jewish institutions. Before 1948, most Palestinian residents were home owners, but after the establishment of Israel their homes were confiscated or demolished by the new state. In some respects this situation epitomizes the insecure status of the Palestinian citizens of Israel in general: First citizens under martial law, and later second-class citizens – protected tenants dependent on the mercy of their occupiers.¹⁷

Since the 1980s, Amidar has launched campaigns in which it encourages its long-standing tenants to purchase their apartments. These offers have also been extended to the Palestinian residents of the Ajami neighborhood. A small number of more prosperous residents jumped at the opportunity, but most of the tenants have not done so. The main reason for this is that most of the Palestinian residents cannot afford to buy their apartment and this, in turn, is due to the policy of neglect, discrimination, and oppression, which since 1948 has served only to widen the socioeconomic gap between Jews and Palestinians within the State of Israel.¹⁸ Despite this opportunity, the Palestinian residents of Jaffa were ultimately – and reluctantly – left in their status as “protected tenants.”

¹⁷ For an interesting discussion of these aspects, see the article “Preliminary Lessons from the Struggle in Ajami,” on the website of the political movement Tarabut (<http://tarabut.info/node/51>) (in Hebrew).

¹⁸ HRA interview with Sami Bukhari, a Palestinian resident of Jaffa, social activist, and member of the Popular Committee to Defend the Right to Housing and Land in Jaffa, 12 January 2008.

The Development of the Palestinian Population in Jaffa

Following the ethnic cleansing of 1948, the confiscation of Palestinian property, and its transfer to the state, Jaffa – and the Ajami neighborhood in particular – were transformed from a leading Palestinian political, social, commercial, and economic center into a slum neighborhood of Tel Aviv.¹⁹ Many of the homes “left” by Palestinians were settled by new Jewish immigrants. Some homes were settled by other Palestinians who arrived from Palestinian villages. In many cases, several families moved into a single house, dividing it into apartments. In many cases Jewish and Palestinian families shared the same house.

From the 1960s through the mid-1980s, Jaffa was subjected to a policy of neglect, eviction, and demolition implemented by the municipality, the ILA, and Amidar, as the body responsible for the management of properties in the city.²⁰ The Manshiya neighborhood, on the northern border of Jaffa bordering on Tel Aviv, was completely demolished. Approximately 70 percent of the old city of Jaffa was demolished, and many homes in the Ajami and Jabaliya neighborhoods were also destroyed. In 1973 there were 3,176 housing units in Ajami and Jabaliya; by the early 1990s, just 1,608 housing units remained.²¹ In total, the Palestinian residents estimate that some 3,200 homes were demolished in Jaffa during this period.

According to the municipality, the current Palestinian population of Jaffa is 16,300²², constituting four percent of the total population of Tel Aviv–Jaffa and approximately one-third of the population of Jaffa.²³ Most of the Palestinian residents live in the Ajami neighborhood, accounting for some 80 percent of the population of the neighborhood. Jaffa (“Quarter No. 7”) covers 12.2 percent of the total area of Tel Aviv–Jaffa, with an area of some 1568 acres.

As the result of protracted neglect, Ajami has become an impoverished neighborhood. The Palestinian population of the neighborhood is the poorest population group in the city of Tel Aviv–Jaffa. Approximately half the Palestinian population is classified in the lowest one-fifth bracket in

¹⁹ See Daniel Montrescu, *The Palestinian Community in Jaffa: A Social-Planning Report* (Shatil – Mixed Cities Project, March 2007), p. 10 (in Hebrew).

<http://yaffastruggleh.files.wordpress.com/2007/12/report-on-jaffa.pdf>

²⁰ Ibid., p. 13.

²¹ Ibid., p. 13, footnote 7.

²² Representatives of the Palestinian community claim that the actual figure is approximately 20,000.

²³ See note 2 above.

socioeconomic terms.²⁴ As a result, the neighborhood has a high level of delinquent activity, and recent years have seen an unprecedented level of criminally-motivated murders and assassinations. Protection rackets and drug trafficking are also rife in the neighborhood.²⁵

Most of the Palestinian residents of Jaffa live in very old and dilapidated buildings, some of which pose a danger to their occupants. Sixty-five percent of buildings were constructed before 1939; 9.7 percent were constructed during the 1940s; 1.5 percent during the 1950s and 1960s; 9.8 percent during the 1970s; and 14 percent from the 1980s onward, as part of the new policy in Jaffa.²⁶



Photograph: Urban neglect in the Ajami neighborhood

In the 1960s, the systematic neglect of the neighborhood led many Jewish residents who had lived in the area since the 1950s to leave Ajami, moving to new housing projects established for them in the center and east of Jaffa, or leaving for other parts of Tel Aviv and elsewhere in Israel. In order to attract these residents back to a neighborhood that had come to be perceived by Jews as an “Arab” area, the municipality formulated a development plan for Jaffa. The goal of the plan was to tempt Jewish residents to move into the area, thus neutralizing its Palestinian Arab character.

²⁴ Montrescu, note 19 above, p. 38.

²⁵ *Ibid.*, p. 40.

²⁶ *Ibid.*, p. 13, note 7.

The Jaffa Renewal Plan

In the mid-1980s the Municipality of Tel Aviv–Jaffa began to prepare the so-called “Jaffa Renewal Plan.” The municipality led a planning process that aimed to encourage the private sector to raise capital and invest in Jaffa for the purpose of its “physical and socioeconomic rehabilitation.” The process included the privatization of land. The municipality hoped that external investments would lead to accelerated development in Jaffa, providing a stock of new housing units. The vision was that the new neighborhoods would attract new residents to Jaffa – prosperous and well-educated taxpayers who would enhance the municipal funds.²⁷

The municipality’s Jaffa Renewal Plan included four key actions. The first was the preparation of statutory building plans. The widespread house demolitions of the 1970s and early 1980s were moderated during the second half of the 1980s and eventually stopped altogether. Since no valid building plans had been prepared for Jaffa, the municipality was required to promote new plans. Secondly, in 1987 the municipality asked the Israeli government to include Jaffa in Project Renewal, a national project providing financial assistance and significant alleviations in planning expenses and taxes. The third action was to sign an economic agreement with the ILA (the owner of the land and buildings) requiring the body to channel part of the profits from the sale of plots in Jaffa into the development and rehabilitation of the public infrastructures in the neighborhood. Fourthly, funds were raised for the rehabilitation of Jaffa by recruiting support for the project among the Jewish community of Los Angeles, through the Jewish Agency for Israel.²⁸

In April 1999, as part of the Jaffa Renewal Plan, the “Supplementary Authority” for Jaffa was established as a powerful arm of the Municipality of Tel Aviv–Jaffa. The Supplementary Authority is an “organizational framework that leads the rehabilitation and development of Jaffa; manages, initiates, motivates, promotes, prepares, and implements plans; coordinates with the governmental and municipal bodies; and pools all those involved to advance Jaffa. The Supplementary Authority for Jaffa works to advance key physical and social projects for the rehabilitation and development of Jaffa, recruiting all the bodies and forces involved – governmental, public, commercial, and municipal for the sake of Jaffa and its neighborhoods.”²⁹

²⁷ Ibid., p. 15.

²⁸ Ibid., p. 16.

²⁹ From the website of the Municipality of Tel Aviv–Jaffa: <http://www.tel-aviv.gov.il/Hebrew/Yafo/Index.asp> (in Hebrew).

The website of the Municipality of Tel Aviv–Jaffa³⁰ notes that the following programs form part of the implementation of the Jaffa Renewal Plan:

- Tourism and business development: Promoting the development of tourism in Jaffa and transforming the area into a key tourist center offering hotels, restaurants, attractions, and leisure, vacation, and sports activities.
- Development of infrastructure: Overall development of infrastructure, including in the compounds and streets in Jaffa, within a budgetary framework of NIS 250 million over five years. The development includes the replacement of all underground infrastructures as well as landscaping.
- Establishing an academic campus: The establishment of the Academic College of Tel Aviv–Jaffa, a project designed to transform Jaffa into a center of higher education and a focus for educational and cultural activities.
- Urban facelift – development of boulevards and parks: The work plan provides for the development and upgrading of gardens, parks, and boulevards around Jaffa.
- Education, culture, and community: The Jaffa Supplementary Authority, in cooperation with the relevant professional bodies, is developing, initiating, and implementing activities with an educational, cultural, and communal focus in Jaffa.
- Culture and art: One of the goals of the Supplementary Authority is to position Jaffa as a complementary cultural and arts center for Tel Aviv. This includes holding cultural and artistic events and providing guided tours of the tourist section of Jaffa – the Flea Market, the Clock Tower area, Old Jaffa, the port, and so on.
- The “Jaffa Slope” project (the anchor feature of the Jaffa Renewal Plan): The Jaffa Slope is an area of some 50 acres extending from the port to the beach at Givat Aliyah. The slope is a coastal area parts of which were drained over the years and used as a garbage disposal area. The municipality states that it prioritizes the removal of the eyesore and the transformation of the area into a green park for the benefit of “Jaffa residents.” The proposal is that a park will be established serving the residents of the neighborhood. The promenade along the seafront in Tel Aviv will be extended through Jaffa port and on to Givat Aliyah. The goals of this project were: To create a beach in a section of the Jaffa coastline where there is no sea wall; to remove and recycle waste; to stabilize the slope and regulate the whole area; to create a connection

³⁰ Ibid.

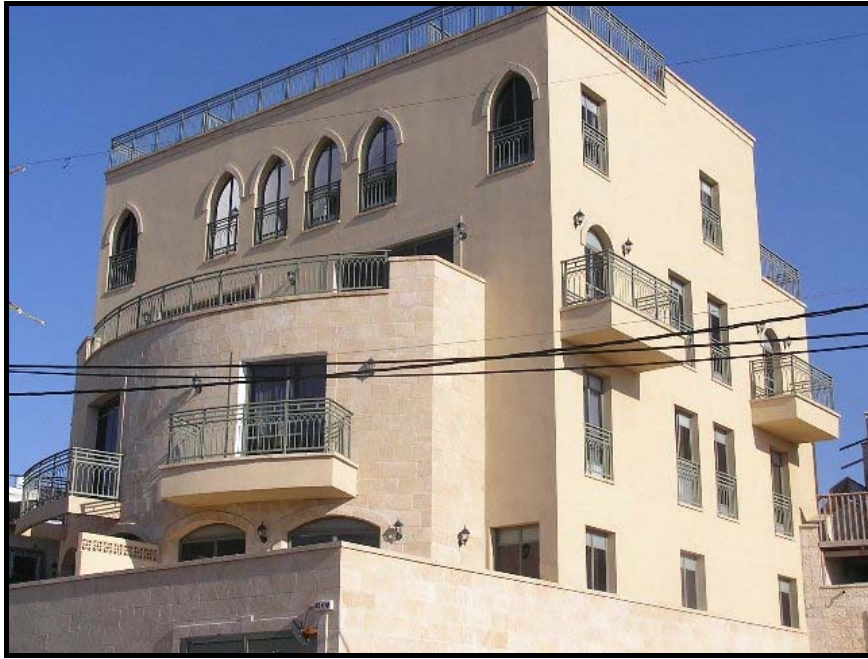
between the neighborhood and the sea; to regulate the coastline and develop promenades and cycle paths from north to south; and to create sea vistas from the hills.

As noted above, the main goal of the Jaffa Renewal Plan is to encourage private developers to invest in the area, thus promoting its physical and socioeconomic rehabilitation. The plan is being implemented by privatizing the land in Jaffa. As the direct result of the policy of house demolitions from the 1960s through the 1980s, there are a large number of vacant plots in Jaffa available for new construction. Most of these plots are owned by the ILA, which has begun to market the plots in public tenders to the highest bidders.³¹ The plots were sold to private individuals who have begun to establish new luxury buildings in Jaffa.

In many cases, the ILA issued to tender not only vacant plots, but also houses inhabited by Palestinian residents. These residents have now become the tenants of private owners who will do everything possible to remove them from their homes in order to demolish the buildings and build new, prestigious projects.

In recent years Ajami has been transferred from a neglected neighborhood populated mainly by Arabs into the focus of enormous real estate demand. Situated on the coast, the neighborhood has tremendous potential for development. The Maronite quarter, which forms part of Ajami, has flourished and expensive residential projects have been built. A casual visitor to the area can easily see the tremendous pace of construction work on luxurious new projects that are taking over the open space in the neighborhood. Most of the owners of the new premises are wealthy upper-class Jews.

³¹ Yair Kaldor, "Real Estate Prices in Jaffa Rise – ILA Evicts Residents," *NRG*, 4 May 2007 (in Hebrew).
<http://www.nrg.co.il/online/16/ART1/575/292.html>.



Photograph: One of the new buildings in the Ajami neighborhood. For further photographs, see the HRA website:

<http://www.arabhra.org/Hra/ImageGalleries/ImageGalleryPage.aspx?ImageGallery=6753&Language=2>

One of these projects is Andromeda Hill, a private initiative promoted by the Municipality of Tel Aviv–Jaffa. In 1994 an architectural plan was approved for the construction of two hundred seventy housing units in closed, guarded compound (a gated community). The project offers superior conditions, including a gym, massage services, a large swimming pool, and a cafeteria, and is populated by foreign residents (30 percent) and wealthy Israelis (70 percent). Over half the buildings have already been completed; according to the original plans, a further one hundred buildings may be constructed.³²

³² Montrescu, note 19 above, p. 20.



Photograph: The Andromeda Hill project. For further photographs, see the HRA website: <http://www.arabhra.org/Hra/ImageGalleries/ImageGalleryPage.aspx?ImageGallery=6752&Language=2>

The direct result of the implementation of the Jaffa Renewal Plan and the land privatization has been a dramatic rise in real estate prices in Jaffa. In 2000, after the outbreak of the Second Intifada and the events of October 2000, apartment prices in Jaffa fell by 50 percent, on average. Many investors shied away from Jaffa, since the events were of exceptional intensity and were perceived as relating to the core of the Israeli-Palestinian conflict. Many of the Jewish customers who used to flock to the shops and restaurants of Jaffa on Saturdays and festivals now stayed away.³³ Since these events, however, and due mainly to the vigorous actions in the area by the municipality, including renovation work and plans for the future that have encouraged people to return to the area, real estate demand in Jaffa has undergone a revolution. Investors moved in on a large scale and were quickly followed by private purchasers. Real estate sources in Jaffa reported a significant increase in transactions, resulting in a steep rise in the price of apartments in the area.³⁴

³³ Ibid., p. 19.

³⁴ Arik Mirovsky, "Is There Really 'Nowhere Like Jaffa?'" *Ha'aretz*, real estate supplement [date unknown] (in Hebrew) <http://www.haaretz.co.il/hasite/pages/ShArtPE.jhtml?itemNo=518812&contrassID=2&subContrassID=10&sbSubContrassID=0>.

The Palestinian Residents: An Obstacle to the “Development” of the Ajami Neighborhood

As noted above, the ILA issued tenders for vacant plots in the Ajami neighborhood. Some of these plots are the sites of former homes of Palestinians expelled during the ethnic cleansing of 1948; these homes were demolished during the wave of demolitions that lasted until the mid-1980s.

A problem has emerged, however. Many of the plots of land in the Ajami neighborhood are still occupied by very old houses inhabited by Palestinian residents. Accordingly, these houses constitute an obstacle to the development of the neighborhood and its transformation into a prestigious Jewish area. An immediate solution was needed to this problem.

One of the solutions has been to pay the Palestinian tenants the value of their rights in the properties – as protected tenants – in return for their leaving the homes. Following the rise in real estate prices, Palestinian residents could no longer afford to live in the area, and were tempted by the option of receiving a sum of money with which they could buy their own home elsewhere. Many tenants took advantage of these offers, received money, and left for other cities such as Lod and Ramle, where houses are much less expensive than in Jaffa. However, they later realized that the sums they received were significantly less than the real value of their former homes (in view of the rising prices in the neighborhood). Thus the authorities benefited from this situation, since they could subsequently sell the properties for higher prices in open tenders.

Other Palestinian residents did not want to leave the neighborhood and their homes, and preferred to purchase the rights to the remaining one-third of the property (the value of protected tenancy is estimated at two-thirds the value of the property), and thus to become the owners of their own homes. The authorities moved into to foil this intention, setting the value of the apartments in accordance with the higher prices, so that the tenants could no longer afford to purchase the remaining one-third of their homes.

The authorities still needed to overcome the obstacle to the “development” of the neighborhood. After close examination, they found that many of the Palestinian tenants had made various adjustments and additions to the houses in which they lived. The authorities seized the opportunity and sent eviction notices through Amidar on the grounds of the breach of the tenants’ agreements with the company.

As explained above, these residents have the status of protected residents, granting them immunity from eviction except in accordance with the grounds stipulated in the Tenant Protection Law. One of the grounds for eviction is that

the tenant has failed to observe any of the conditions of the agreement with the landlord. In the rental agreements with Amidar, the tenant undertakes not to make any addition to the property or any repair therein otherwise than with the landlord's consent. Any addition to the building without authorization is considered a breach of the agreement, entitling the landlord to demand the eviction of the tenant.

Since the establishment of Israel and the concentration of Palestinians remaining in Jaffa in the Ajami neighborhood, they have suffered from a severe housing shortage. The Palestinian residents live in very old and neglected homes consisting of one room, or two at best. Over time, in light of natural population growth, there was a need to find a solution to accommodate the growing number of members of the family. The Municipality of Tel Aviv–Jaffa failed to provide appropriate housing solutions for this situation and did not build housing units for the Palestinian population. At the same time, it also refused point blank to issue building permits for tenants over a period of decades. The Palestinian tenants were therefore obliged to extend their homes by building on an extra room here and there, without obtaining proper permits from the planning and building authorities (i.e. the municipality). In some cases, the Palestinian tenants repaired roofs and walls that had collapsed or were liable to do so, given the age of most of the properties. Despite these structural problems, Amidar made no effort to renovate the properties. In other cases, tenants seized control of all the rooms in buildings that previously housed several families.

One of the outcomes of the housing crisis in Jaffa came in 1995 with the outbreak of the “Housing Intifada” (Intifadat al-Sukun). In a coordinated campaign, thirty Palestinian families entered vacant and sealed premises, entrenched themselves, and remained there for six days. During the protest, negotiations took place between representatives of the Palestinian community and the municipality, the ILA, and the Ministry of Housing. An agreement was signed in which the state undertook to provide some four hundred housing solutions for the Palestinian residents of the neighborhood within one year.³⁵ Since then the municipality has made several attempts to find a solution to the grave housing crisis by planning projects to construct new homes for this population, such as through the “Build Your Own Home” scheme. However, the apartments offered under these projects were expensive, particularly given the deprived socioeconomic state of the local Palestinian residents. The result was that the projects did not constitute a realistic response to the housing crisis. Only a small number of relatively well-off families who could afford to take a mortgage and obtain an apartment were included in the projects. The vast majority of the population, who could not have taken part in the projects even if they wished to, since the banks refused to give them mortgages due to their

³⁵ Montrescu, note 19 , p. 28.

unstable and volatile financial situation, remained in their old, neglected homes.

Accordingly, the result of the institutionalized and structural discrimination against the Palestinian population by the municipality over many years was that most of the families were branded “construction offenders.” Meital Lahavi, a member of the city council of Tel Aviv–Jaffa and vice chairperson of the local building and planning committee, explains this situation:

“The problem is that there is no urban building plan in the area... people cannot obtain permits there. Most of the cases of squatting are actually building extensions without permits. The damage accumulates over the years. The municipality froze all the permits in the area for a long period and would not even let people replace an asbestos roof. They turned all the residents of the neighborhood into offenders.”³⁶

It was at this point that Amidar attempted to exploit this situation in order to promote the ongoing development plan in the neighborhood at the expense of the Palestinian population, issuing 497 eviction orders against local families. The Popular Committee estimates that if the orders are executed, some 3,000 people will find themselves homeless – approximately 18 percent of the total Palestinian population in Jaffa (16,300). According to the document (published by Amidar), 33 families have been evicted since August 2002.

The grounds for eviction range from debts accumulated due to non-payment of the (reduced) rental fees; adding building extensions without obtaining the appropriate permits from the planning and building committee; and unlawful squatting in properties in which the tenants do not hold rights.

According to Amidar, “As a policy, Amidar maintains a balance between loyalty those for whom it is an agent - the landlords (the State of Israel and Israeli citizens) and service for its clients, the tenants. In the event that tenants break the law, Amidar engages in dialogue with them and, insofar as possible, acts indulgently. In any case they are given an opportunity to state their case before legal action is taken. Eviction orders are issued only after protracted court hearings.” Amidar further claims that “Israel, as a law-abiding country, must protect its assets and planning laws... in cases in which the law has been broken, the company acts to protect the state’s rights, regardless of the value of the property or the religion or nationality of the tenants.”³⁷ The company adds: “The actions are not the result of a new policy or new procedures, but fall in the framework of the status quo of protecting public economic assets that belong to the citizens of Israel as a whole and not to any individual, while adhering

³⁶ Kaldor, note 31 above.

³⁷ Doron Cohen, “The Jaffa Conspiracy Theory,” *Ha’aretz*, 15 May 2007 (in Hebrew) <http://www.haaretz.co.il/hasite/spages/858464.html>.

strictly to the law and the social rights of the tenants, and protecting the bulwark of Amidar and its directors: social policy and sensitivity to the tenants.”³⁸ Thus Amidar claims that it is acting in accordance with the law and with the goal of protecting state assets; that the tenants have broken the law; and, accordingly, that it is entitled to evict them from the properties by law – all is legal and above board!

The Popular Committee and Palestinian residents of the neighborhood, however, are convinced that the issuing of the eviction orders is actual based on quite different reasons than the formal offenses committed by the Palestinian tenants. In light of the sequence of developments described above and the timing of the issue of the eviction orders, the Palestinian sources find it impossible not to suspect that the background to this move are not the legal violations that may indeed have been committed by the tenants, but rather an attempt on the part of the authorities – the municipality and the ILA, through Amidar – to evict the Palestinian residents from their homes so that these can be demolished and the plots sold to private individuals at very high prices. In brief, the authorities’ motives are purely financial. The legal violations are no more than a formalistic excuse for the eviction orders.³⁹

The Arab residents note various factors that support their version of events. Firstly, it is impossible to understand why, during the fifty years from the establishment of Israel through the late 1990s, the Ajami neighborhood was completely neglected by the municipality. It is equally incomprehensible why the municipality now seeks to develop the neighborhood under the pretext of rehabilitating it for the local residents. The Palestinian residents have every reason to fear that the municipality has no intention of developing the area for their sake, but rather seeks to do so in order to attract prosperous Jewish residents. In this way it will take control of a neighborhood that has tremendous development potential given its proximity to the sea.

Secondly, Amidar’s claims that the tenants have committed legal violations ignores the fact that the authorities themselves placed the residents in the position of planning offenders. By neglecting the residents and failing to provide proper solutions for the grave housing crisis they face, the authorities left the residents no choice but to “break” the law, in the absence of any other alternative.

Thirdly, and most importantly: Amidar’s argument about the legal violations by the tenants can hardly have been made in good faith. After all, most of the improprieties and building extensions (the grounds for eviction) were

³⁸ Kaldor, note 31 above.

³⁹ Yigal Chai, “Ajami Residents: They Are Trying to Transfer Us,” *Ha’aretz* [date unknown] (in Hebrew)
<http://themarkercaptain.co.il/hasite/pages/ShArtPE.jhtml?itemNo=853062&contrassID=2&subContrassID=21&sbSubContrassID=0>.

undertaken 30 to 40 years ago.⁴⁰ Why has Amidar suddenly remembered to issue eviction orders at this late stage? If it is supposed to protect the rights of the landlords, why did it not file suits at the time the violations were committed, or at least when Amidar first learned of these?

⁴⁰ Sami Bukhari, note 18 above. Cf. the story of the Matar family in the Case Studies section below. See also Lilly Galili, "First We'll Take Ajami," *Ha'aretz*, 28 December 2007 (in Hebrew) <http://www.haaretz.co.il/hasite/spages/936801.html>.

Case Studies

The Hatab family

The Hatab family live in a small compound close to the sea that comprises four small houses aligned together in a square form. Each house in the compound includes two or two and a half small rooms. The family has been living in the compound since the early twentieth century, long before the establishment of Israel. For some reason that family was not expelled during the ethnic cleansing of 1948 and has remained in its home. Despite this, the houses in the compound were transferred to the ownership of the Custodian of Absentee Properties in accordance with the Absentee Property Law. Accordingly, the members of the Hatab family became protected tenants in their own homes.



Yusuf Hatab (39) lives in one of the houses with his family (his wife and their two children). Yusuf has been unemployed for over a year. He and his family survive on monthly benefits from the National Insurance Institute totaling just NIS 2,000. His home consists of two and a half small rooms and is in a very bad state of repair. Signs of damp can be seen on all the walls.

Yusuf pays monthly rent at a reduced level of NIS 40. During a certain period, due to his difficult financial situation, he failed to pay the monthly rental fees and accumulate a debt of NIS 1,700. Approximately two years ago, Yusuf contacted Amidar and asked to pay his debt. He did so, but a month later was surprised to receive a copy of a law suit filed by Amidar and demanding his eviction from his home. The tenants from the Hatab family living in the three other houses in the compound, including Yusuf's mother (67), also received eviction demands. The grounds for the suits were that they were "squatting" in the houses.

The eviction orders are based on the following sequence of events: The four homes in the compound were registered with Amidar in the name of Mohammed, the grandfather of the family. As the family grew and Mohammed's sons married, the grandfather allocated each house in the compound to one of the sons as he married, so that he could manage until he was able to purchase a home elsewhere. This was the case, for example, with Yusuf's uncle: He married and Grandfather Mohammed allocated one of the houses to his family, but a few years later he bought a home outside the compound and left, enabling another member of the family to move in.

The same process occurred with Yusuf's home. The house was originally occupied by Badriya, the grandmother (following the death of Grandfather

Mohammed). Later Yusuf's father moved into the house, together with his family (including Yusuf himself). Since Yusuf married fifteen years ago, he has lived in the house with his wife; as noted, the couple now have two children.

Thus we can see that a consistent pattern has been adopted as custom by the Hatab family. As far as Amidar is concerned, however, none of these changes of tenants were legal since the tenants' names were not registered at the company's offices. The company sees Mohammed as the legal tenant, and anyone else living in the houses is a "squatter." Thus the extended Hatab family have become squatters in their own homes.

Worse still, once the members of the family are defined as "squatters" in the houses, they are liable to pay Amidar usage fees for the properties according to market rates. Instead of the reduced rental fee of NIS 40 a month, they are now required to pay NIS 2,000 (fifty times as much!) and possibly more.

The question that must be asked is why Amidar decided to act now, if the family has been squatting the properties for decades? Why did the company fail to take action when it learned of the "squatting?" An indirect answer to this question may be found in the fact that in recent years prestigious buildings have been constructed on three sides of the compound, which effectively blocks further development in the area.

The following is Yusuf's testimony:

"My name is Yusuf Hatab (Abu Ali). My father was called Ali and my grandfather was called Mohammed. All the members of the Hatab family in Jaffa have their origins in this compound. My father was born in the compound in 1936. My mother was born in the compound in 1945. I have lived here for 40 years; we are the third generation here. My father and grandfather were born here. My mother still lives here in another house in the same compound. We own the house.

"After the establishment of Israel my grandfather began to pay rental fees to Amidar. How did Israel become the owner of the house? As far as I'm concerned, the laws do not matter – we have been living here since before there was an Israel.

"I married 15 years ago, and since then I have lived in this house in the compound. The compound includes four houses, and I live in one of them. This house has two and a half rooms.

"This isn't a case of squatting, as if another family lived here and we invaded the house. It's the same family. We change all the time. Everyone who gets married lives here, then after a few years they leave to live somewhere better, and the apartment is left for someone else. However, the agreements with Amidar have continued to be in the name of Grandfather Mohammed.

“We pay monthly rental fees of NIS 40. We accumulated a debt of NIS 1700. We wanted to pay the debt. We approached Amidar to pay the debt and we did so. A month later we received four suits for eviction for the four houses in the compound.

“Amidar also asked us to pay a debt of NIS 187,000. For what? The company claimed that we have been living here without rights for 15 years, so they estimated the regular monthly rental fees (NIS 2,000), multiplied that by 12 months in a year, and then multiplied that by seven years.⁴¹ They added interest and linkage increment, and that’s how they came to the sum of NIS 187,000.

“They want to sell the land. They’ve surrounded us with new buildings on three sides. All these buildings are owned by Jews. This is the most expensive section of Jaffa because it is close to the sea. They want to get us out of the house. How do they do that? By strangling us and imposing heavy debts on us. You get confused and don’t know what to do.

“We have lived here all our lives. We were born here – my mother was born here and we have lived here our entire lives. Now they want to throw us onto the street. All day and night we worry about this problem and about Amidar. Where will we go if they evict us? Where will we live? We don’t have anywhere to go. The subject of the house is still pending in court – the fate of our family depends on the court now.”

To view photographs of the Hatib family home, see the HRA website:
<http://www.arabhra.org/Hra/ImageGalleries/ImageGalleryPage.aspx?ImageGallery=6749&Language=2>

The Matar Family

This case may symbolize the significance of the eviction orders for Arab families in Jaffa and the connection with the events of 1948.



Hamis Matar is 90 years old now. He originally came from Manshiya, the northernmost neighborhood of Jaffa. Manshiya was completely destroyed during the ethnic cleansing of 1948. The Charles Clore Park and promenade now occupy the site of the village.

In 1948 he was evicted from his neighborhood by force and moved to the area on the border between Jaffa and Bat Yam. As the ethnic cleansing operations continued, however, he was again expelled and came to live in the Ajami neighborhood of Jaffa, in the home where he now lives and which he has been

⁴¹ Amidar cannot claim financial debts dating back more than seven years due to the rules of obsolescence.

demanded to leave. He recalls that the Jewish forces in Bat Yam would shoot at them and he was forced to smuggle his family out through the windows.

The home in Jaffa is owned by Amidar and Hamis has the status of a protected tenant. As the family grew (it now comprises eight members), and particularly after his son married, he built a further two and half rooms in the compound under the house in order to make room for his son and his wife.

This was in 1970. Since then, Amidar inspected the house every year and never raised any claims. The company employees surely saw the additional two and a half rooms, but they did not make any complaints about this being illegal.

In 2005, however, the family was surprised to receive a demand to leave the house on the grounds that they had added the above-mentioned two and a half rooms. The eviction demand was not limited to the additional two and a half rooms, but related to the entire house. The company also issued a demolition order against the additional rooms. The court authorized the eviction order; the case went as far as the Supreme Court, which authorized the eviction order. The family is now waiting for the order to be executed.

As in the case of the Hatab family, Hamis' home has also been surrounded by prestigious new buildings, and his house represents an obstacle to further development. If Amidar wishes to sell the house and the land it sits on, Hamis' family is interested in purchasing the property. Due to their poor socioeconomic status, however, they will be unable to do so. They have no desire to take a mortgage from a bank, and no bank would agree to provide one, particularly given the soaring real estate prices in the area.

In addition to fearing that they may find themselves thrown on the street any day, after living in the house for over 50 years, they now also face a demand to pay the astronomical sum of NIS 1,394,521 on account of the use of the additional two and a half rooms since 1970. Ironically, this sum would easily be enough for them to purchase the entire home, including the additional rooms!

Wherever Hamis goes, the threat of deportation and eviction follows him. This is his fate as determined by the State of Israel.

To view photographs of the Matar family home, see the HRA website:
<http://www.arabhra.org/Hra/ImageGalleries/ImageGalleryPage.aspx?ImageGallery=6750&Language=2>

The Sayid Ahmad Family

In the first two cases, Arab families are facing the threat of eviction. In our third case, the threat no longer exists – the eviction became a reality while we were preparing this report.



Nabil Sayid Ahmad is 37 years old. When he was six, his parents and nine siblings moved into a spacious home in the Ajami neighborhood. The family grew, the children married and moved out to their own homes, and Nabil (the youngest child) stayed with his parents. According to Arab tradition, after the death of the parents the home is transferred to the youngest son in the family.

Nabil married and had two children while living in his parents' home. He paid monthly rental fees of NIS 1,200. His mother contracted cancer and passed away. His father remarried, and his new wife moved into the home with her family. Tension and hostility developed between the stepmother and Nabil and his family. As a result, Nabil moved in with his brothers, but a year later he returned to his parents' home. This process repeated itself several times until his father died.

Under the Tenant Protection Law (Article 27), if a protected tenant dies, the tenancy right passes first to his wife, provided she was living with him during the six months preceding his death. Accordingly, the tenancy rights in the home passed to Nabil's stepmother, although Nabil was also living in the house at the time.

The house was very spacious and Amidar evidently had an interest in it. The company persuaded the stepmother to sign a document waiving her rights in the house. In return, she received a protected tenancy in another home in an extremely neglected neighborhood with rampant crime. Nabil claims that since his stepmother is a Palestinian from the Occupied Territories and is illiterate, Amidar scared her by telling her that if she did not sign the waiver she would find herself on the street.

The stepmother moved to the other house, but when Amidar came to seal the family's original home they were "surprised" to find Nabil living there. They attempted to evict the family, but the members of the Popular Committee for the Protection of Housing and Land Rights in Jaffa gathered at the home and physically prevented Nabil's eviction.

On 17 January 2008, as this report was being prepared, the police arrived suddenly, removed the family by force, and sealed the home. The family is now living in the home of Nabil's brother.

To view photographs of the Sayid Ahmad family home, see the HRA website: <http://www.arabhra.org/Hra/ImageGalleries/ImageGalleryPage.aspx?ImageGallery=6751&Language=2>

Conclusions

Anyone who browses through the pages on the website of the Municipality of Tel Aviv–Jaffa relating to the Jaffa Renewal Plan (“Jaffa Around the Clock”)⁴² gains the impression that the plan was formulated “for the rehabilitation and development of Jaffa;” “for Jaffa’s sake;” “to advance Jaffa” and so forth – and, in particular, in order to rehabilitate the Ajami neighborhood. The website implies that the primary goal of the plan was to help the local residents, the majority of whom (80 percent) are Palestinians.

The situation on the ground, meanwhile, is completely different. The result of the Jaffa Renewal Plan has been to displace the Palestinian population in favor of prosperous Jewish residents. It is true that the tenders issued for the plots are not restricted to Jews. In formal terms, any citizen may submit a bid to purchase a plot, including the Palestinian residents of Ajami. In practice, however, due to the soaring real estate prices, only Jews can afford to purchase property in the neighborhood – or, to be more precise: only wealthy Jews from the upper class. The entire process has led to a situation whereby Palestinians are forced to leave the neighborhood.

From the perspective of the Palestinian residents, the eviction process is not a matter of individual eviction orders against specific tenants. Rather, it is the result of a deliberate policy that seeks to reduce the Palestinian presence in Jaffa by subjecting them to “economic transfer.” This process poses a collective threat to their community and to their continued existence as a cultural and national collective in the city. Through the development of the neighborhood and the sale of properties to private buyers, the municipality is sending a clear message: there is no room for Palestinian residents in the neighborhood. A study of the homes facing eviction (see cover photograph) as published by the ILA shows beyond doubt that this process is not a matter of private claims for eviction, but rather the collective and mass-scale eviction of Palestinian residents, as the residents themselves claim.

In this context, is it relevant that almost all the new residents of the neighborhood are Jews (whether Israeli citizens or foreign residents)? Is this mere coincidence? From the perspective of the Palestinian citizens, the deliberate intention is apparent, and the process is clearly based on the desire to develop the neighborhood in order to tempt wealthy residents to move in (the process known around the world as gentrification).⁴³ In this case, however, a

⁴² <http://www.tel-aviv.gov.il/Hebrew/Yafo/Index.asp> (in Hebrew).

⁴³ The term “gentrification” (from the word gentry) refers to process in which the more prosperous population “discovers” a marginal, old, and weak urban area characterized by under-planning and under-development and begins to purchase property in the area. Real

further motive is involved: the desire to judaize the neighborhood by economic means.

There is no formal document signed by an official in any of the relevant authorities – the municipality, the ILA, or Amidar – stating clearly that the plan aims to judaize the neighborhood. However, the circumstances surrounding the development of the city and its history leave no room for doubt that this is anything other than the true aim of the plan. Even if it were argued that this is not the aim of the plan, it is at the very least its direct consequence.

The members of the Popular Committee have strong grounds for suspecting that the authorities were aware from the outset of the result of the plan, yet nevertheless continued its implementation. They note that had the municipality genuinely wished to rehabilitate the neighborhood for the benefit of its Palestinian residents they could easily have found ways to help the residents purchase their homes through subsidies or by creating channels for obtaining mortgages – something that has not been possible. Its failure to do so raises the suspicion that it no longer wishes to see this population remain in the area.

The claim that the plan seeks to judaize Jaffa is summarized in the following forecasts: At present, 80 percent of the population of Ajami are Palestinians and 20 percent are Jews. If the authorities' plan for rehabilitation and eviction is implemented, the situation will be reversed: 20 percent of the neighborhood will be Palestinians and 80 percent Jews.⁴⁴

estate prices rise, and local residents agree to sell their properties at what they consider a very good price, and thereafter leave the area. Long-standing tenants in the area can no longer cope with rising rental fees and are also displaced. Thus a new socioeconomic reality emerges that is alienating and strange for the original inhabitants. At the end of the process it becomes apparent that the payment received by the veteran residents for their property was actually quite low; most of the added value created by the physical and image-based transformation of the neighborhood remains with those who generated the process. See Danny Rubinstein, "This Time It's the Arabs of Jaffa," *Ha'aretz*, 8 May 2007 (in Hebrew) <http://www.haaretz.co.il/hasite/pages/ShArtPE.jhtml?itemNo=856268&contrassID=2&subContrassID=3&sbSubContrassID=0>.

⁴⁴ Lilly Galili, note 40 above.

Closing Comments

“What they did not manage to do in 1948 is now being done by gentrification – to stop the next generation and transfer the Palestinian population.”⁴⁵ This was how Sami Bukhari described the motives behind the issuing of 497 eviction orders against the Palestinian residents of the Ajami neighborhood.



Amidar’s claims about the building extensions or repairs carried out by the Palestinian tenants without the appropriate authorizations are true, for the most part. The problem here, however, is not any particular violation of the law by an individual tenant. The problem is the deliberate policy on the part of the municipality, the ILA, and Amidar to thwart the development of the Palestinian population in the neighborhood and even to prevent its very existence.

The problem that has emerged in Ajami should be examined from a broader perspective than that of individual tenants who may have broken the law. The approach should be collective, not individualistic. Before 1948, the houses in Jaffa were privately owned by Palestinians. After 1948, the vast majority of the Palestinian residents of Jaffa (95 percent) were expelled from their homes by force, as was the case in other Palestinian towns and villages around the country. A small minority remained and became citizens of Israel. In any case, all the Palestinian properties in Jaffa were confiscated in favor of the state. The Palestinians who remained became protected tenants in these homes – sometimes even in their own original homes. Sixty years later, these Palestinians now run the risk of losing the few rights they have maintained in their homes, without even receiving remuneration. From a historical perspective, therefore, this process is one of the protracted loss of rights – from landlords to tenants, and from tenants to citizens denuded of their rights.

Accordingly, the Palestinian residents of the neighborhood are convinced that the blow imposed on them is far from coincidental, but rather is a deliberate move to prevent the survival of the Palestinian community in Jaffa. This perspective explains the demand of the Popular Committee “to initiate dialogue in order to shape the model that will ensure the ongoing existence of the Palestinian community in the city on a long-term basis” and “to recognize the Palestinian community in Jaffa as a collective with historical rights to land and property.”⁴⁶

⁴⁵ Sami Bukhari, note 18 above.

⁴⁶ From a document distributed by the local committee.

In the framework of the collective memory of the Palestinian population in Jaffa, the issuing of the eviction orders cannot be separated from the ethnic cleansing of 1948. A single line of logic connects the two events. While the intention is the same – to evict Palestinians from their homes and settle Jews in their place – the means differ. In 1948 the expulsion was imposed by force; in 2008 ostensibly “legal” means are used to achieve the same result.

Appendix

Amidar Israel National Housing Company Ltd. Tel Aviv – Jaffa RP Project

19 March 2007
29 Adar 5767
E-1088

Review of the State of Squatted Properties – Internal Affairs Committee, Israel Knesset

The project is currently managing 2,949 properties and an additional 192 plots.

- 1) There are 106 cases of squatting in storerooms and adjacent rooms (usually adjacent to protected apartments).
- 2) There are 81 cases of squatting in inhabited properties (inheritors claiming rights – under examination).
- 3) There are 195 cases of squatting in vacant units (detached).
- 4) There are 115 cases of squatting in inhabited properties (inheritors without rights).
- 5) In total, there are 497 squatters in the project – 16.8 percent of the total properties managed by Amidar.

Activities undertaken in August 2002 – date of transfer of the properties for management by Amidar

- A) 177 arrangements were concluded for persons claiming ownership (inheritors).
- B) 50 arrangements were made relating to squatters (adjacent rooms and storerooms).
- C) 52 ILA District Property Management Committee meetings were held and 946 requests were presented (squatters and debtors).
- D) Since August 2002, 33 evictions have been undertaken through the Executor's Office.

Comments relating to the letter from Attorney Balha to the Minister of Housing dated 12 March 2007

- A) Tenants / debtors have not been evicted due to debts.
- B) Tenants have not been evicted for making additions to the building.
- C) Eviction of the Saba family – Halimon St., Jaffa – the eviction is being managed by the Tel Aviv District of the ILA.
- D) Akila family – 10 Heharuv St., Jaffa – squatting in an adjacent property.

Written by: Bella Yitzhak, project director