



# From Jerusalem to Gaza: The Unfolding Israeli-Palestinian Crisis

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## Overview

How did a fight over pending evictions of Palestinian residents from an East Jerusalem neighborhood spiral into fighting between the Israeli military and Hamas over Gaza?

## From the Ottoman Empire to the Six-Day War

In the latest round of protests and street fighting, the right-wing Israeli rejoinder to Palestinian claims has been that Sheikh Jarrah was home to a Jewish population before 1948. Indeed, Jews purchased land in the area in 1876 when it was part of the Ottoman Empire in order to establish themselves close to the site believed to be the tomb of Shimon HaTzadik (Simon the Just), a Second Temple era rabbi. By the time of the First World War, several Jewish communities were represented there, including a Sephardic, Yemenite, Halabi, and Georgian Jews, with a total population around 300 people.<sup>1</sup>

Sheikh Jarrah's Jewish community suffered a similar fate to others like it in the parts of former Mandatory Palestine that fell under Jordanian occupation after the First Arab-Israeli War, with its residents evacuated to Israeli-controlled territory. The neighborhood was also the site of a massacre in 1948, when Arab forces ambushed a medical convoy bringing supplies to Hadassah Hospital at Mount Scopus, leaving nearly 80 dead. In total, 2,000 Jews fled the or were expelled from the eastern part of Jerusalem during the 1948-49 war, while 20,000 Palestinians fled or were expelled from West Jerusalem.<sup>2</sup>

With Jordan occupying East Jerusalem and the West Bank after 1948, control over the former Jewish area within Sheikh Jarrah passed to the Jordanian Custodian of Enemy Property. In 1956, the authorities in Amman resettled 28 Palestinian families under an agreement between the Jordanian government, UNRWA (the United Nations Relief and Works Agency for Palestine Refugees), and the Palestinian refugees themselves.<sup>3</sup> The site on which the Sheikh Jarrah Palestinians' housing was built had been owned by the Ashkenazi Jewish community before the war, and, unlike the Sephardic, Yemenite, Halabi, and Georgian properties, was an open space that had never been built up.<sup>4</sup> According to the terms of the UNRWA-Jordan agreement, Sheikh Jarrah's new Palestinian arrivals were to surrender their refugee assistance. After renting the properties for a nominal fee for three years, the families could renew their lease for another thirty. The families further assert that the Jordanian government would actually have officially

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<sup>1</sup> Yitzhak Reiter and Lior Lehrs, *The Sheikh Jarrah Affair: The Strategic Implications of Jewish Settlement in an Arab Neighborhood in East Jerusalem* (Jerusalem: Jerusalem Institute for Policy Research, 2010): 19.

<sup>2</sup> "Systematic Dispossession of Palestinian neighborhoods in Sheikh Jarrah and Silwan," *Peace Now*, January 2019,

<https://peacenow.org.il/wp-content/uploads/2019/01/Legal-papaer-batan-sheikh-jarrah-eng.pdf>.

<sup>3</sup> Agreement Between the Hashemite Kingdom of Jordan and the United Nations Relief and Works Agency for Palestine Refugees in the Near East for an Urban Housing Project at Sheikh Jarrah Quarter, Jerusalem. Project No. J/UH/102.

<sup>4</sup> Reiter and Lehrs, *The Sheikh Jarrah Affair*, 18.

transferred legal title to the Palestinian families<sup>5</sup>—but that the Jordanians never carried out the transfer.<sup>6</sup>

## Contesting Ownership

The crux of the current controversy stems from Israel's victory over Jordan in the 1967 Six-Day War. In 1968, the Knesset passed the Legal and Administrative Matters Law, with a consolidated version passed in 1970, allowing property owners in Jerusalem to reclaim lost assets that had been lost in 1948 from the Israeli General Custodian, which performed a similar function under the Israeli occupation to the Custodian of Enemy Property during the Jordanian occupation. In practice, the legislation only provided recourse for Jews who had lost property in East Jerusalem, and not Palestinians with analogous losses in West Jerusalem or the rest of Israel proper.<sup>7</sup> Then, in 1972, five years after Israel wrested control over East Jerusalem and the West Bank from the Jordanians, the Sephardic Community Committee (SCC) and Knesset Israel Committee (KIC) sought to assert their claims to ownership over land in Sheikh Jarrah on the basis of the Ottoman-era transaction that established the nineteenth century Jewish community.<sup>8</sup> There are questions as to the accuracy of the surveying of the area in the 1800s, but the Israeli government accepted the SCC and KIC 1972 claims nonetheless. Subsequently, the SCC and KIC began demanding rent payments from Sheikh Jarrah's Palestinian residents.

While the government accepted the SCC and KIC claims, an Israeli court threw them out in 1976, citing the 1956 UNRWA-Jordanian-Palestinian agreement.<sup>9</sup> Changing their tack, the SCC and KIC filed a civil suit against 23 of the Sheikh Jarrah families in 1982. This precipitated a new agreement, drafted by attorney Yitzhak Toussia-Cohen, who represented some of the families, under which the Palestinian residents would be deemed "protected tenants." This new status would shield the local Palestinians from eviction provided they pay rent to the SCC and KIC, while also circumscribing their ability to conduct certain renovations on their properties and creating loopholes through which their protected status could be revoked. Some of the Sheikh Jarrah Palestinians claim the agreement was initiated without their knowledge. Notably, Toussia-Cohen only represented 17 of the 23 families targeted by the SCC-KIC lawsuit when he committed all of the area residents to "protected tenant" status.<sup>10</sup> Still, the 1982 agreement was accepted as a precedent in Israeli courts, and the basis upon which the SCC, KIC, and other Jewish organizations would seek evictions and penalties against Sheikh Jarrah Palestinians in the subsequent decades. Evictions have been carried out at several points in the intervening

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<sup>5</sup> Ibid., 25.

<sup>6</sup> *Evictions and Settlement Plans in Sheikh Jarrah: The Case of Shimon HaTzadik* (Jerusalem: Ir Amim, 2009): 5.

<sup>7</sup> "Systematic Dispossession of Palestinian neighborhoods in Sheikh Jarrah and Silwan," *Peace Now*, January 2019, <https://peacenow.org.il/wp-content/uploads/2019/01/Legal-papaer-batan-sheikh-jarrah-eng.pdf>.

<sup>8</sup> *Evictions and Settlement Plans in Sheikh Jarrah*, 5.

<sup>9</sup> David Hughes, Nathan Derejko, and Alaa Mahajna, *Dispossession and Eviction in Jerusalem: The Cases and Stories of Sheikh Jarrah* (Jerusalem: The Civic Coalition for Defending Palestinian Rights in Jerusalem, 2009): 13.

<sup>10</sup> Ibid., 13.

decades, including in 2002,<sup>11</sup> 2008, and 2009.<sup>12</sup> While it is technically true that the ongoing controversy revolves around non-payment of rent, observers should consider whether the basis for the rental agreement was struck in good faith, as well as broader Israeli designs.

## Israeli Intentions

Beyond the immediate objectives of restoring a Jewish presence in Sheikh Jarrah and collecting rent payments from Palestinian residents, the Israeli government, Jerusalem city officials, and Jewish organizations also see Sheikh Jarrah and other East Jerusalem neighborhoods as targets to disrupt the contiguity of Palestinian areas with the West Bank and the Old City. Specifically, this has been advanced via building plans, including a 200-unit complex, which would replace some of the Palestinian residents' homes should the evictions be carried out.<sup>13</sup> This plan is being put forth by Nahalat Shimon International, a real estate company based in Delaware to evade corporate transparency regulations.<sup>14</sup> Nahalat Shimon International has acted on behalf of the SCC and KIC since the 1990s.<sup>15</sup>

This is reinforced by recent comments by Jerusalem Deputy Mayor Aryeh King about positioning "layers of Jews" in East Jerusalem, as well as Deputy Mayor Fleur Hassan Nahoum's observation that events in Sheikh Jarrah could play out in the settlers' favor because "there are laws [in Israel] that some people may consider as favoring Jews—it's a Jewish state."<sup>16</sup> These comments stand in sharp contrast with the Israeli government's public diplomacy efforts surrounding the controversy, which has focused on casting the affair as a private real estate dispute without any political or nationalistic implications.<sup>17</sup>

## The Current Crisis

The current discord touched off from 300 Palestinians who currently face pending eviction orders following a defeat at court, while three families are awaiting a final decision on their appeal to the High Court.<sup>18</sup> In advance of the court's decision, protests took place in Sheikh Jarrah, met by counter demonstrations from far-right Israeli activists and officials, including

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<sup>11</sup> *Evictions and Settlement Plans in Sheikh Jarrah*, 11.

<sup>12</sup> *Ibid.*, 13.

<sup>13</sup> Hughes, Derejko, and Mahajna, *Dispossession and Eviction in Jerusalem*, 12.

<sup>14</sup> Nir Hasson, "What's Behind the Latest Flare-Up in Jerusalem, and What Israel Can Do to Defuse Tensions," *Haaretz*, May 7, 2021, <https://www.haaretz.com/israel-news/.premium.HIGHLIGHT-what-s-behind-latest-jerusalem-flare-up-and-what-israel-can-do-to-defuse-tensions-1.9783714>.

<sup>15</sup> Hughes, Derejko, and Mahajna, *Dispossession and Eviction in Jerusalem*, 12.

<sup>16</sup> Patrick Kingsley, "Evictions in Jerusalem Become Focus of Israeli-Palestinian Conflict," *The New York Times*, May 7, 2021, <https://www.nytimes.com/2021/05/07/world/middleeast/evictions-jerusalem-israeli-palestinian-conflict-prot.html>.

<sup>17</sup> Israel Ministry of Foreign Affairs, Twitter post, May 7, 2021, 2:28pm, <https://twitter.com/IsraelMFA/status/1390632182398529536>.

<sup>18</sup> Hasson, "What's Behind the Latest Flare-Up in Jerusalem, and What Israel Can Do to Defuse Tensions," *Haaretz*, May 7, 2021,

Aryeh King and Member of Knesset Itamar Ben-Gvir from the Jewish fundamentalist Otzma Yehudit party, as well as a heavy police response directed against the Palestinian demonstrators.<sup>19</sup>

This coincided with other events, compounding the crisis. Muslims are currently observing the holy month of Ramadan, and there had been already been tension over the installation of police checkpoints at the Damascus Gate, the entrance to the Old City's Muslim Quarter. In the last week, fighting erupted between Palestinian demonstrators on the Temple Mount/Haram al Sharif complex, with rubber bullet fire from Israeli police and stone-throwing by Palestinians. Police also fired stun grenades and tear gas into the al Aqsa Mosque. While there were no deaths in the first few days of fighting around the compound, there have been hundreds of injuries, mostly among the Palestinians.<sup>20</sup>

Finally, the scheduled date for the Israeli High Court to issue its ruling on Sheikh Jarrah coincided with Jerusalem Day (Yom Yerushalayim, taking place this year on May 10), which commemorates Israel's capture of the Old City in 1967. A prominent feature of Yom Yerushalayim is the provocative Flags March, during which far-right Jewish activists parade through the Old City's Muslim Quarter. The court opted to postpone its decision for at least a month, which could defuse some of the potentially violent fallout from a decision.<sup>21</sup> Israeli security officials reportedly cautioned Prime Minister Benjamin Netanyahu against allowing the Flags March to take place,<sup>22</sup> and after refraining from making a decision on the matter for several days leading up to Yom Yerushalayim, the Israeli government finally ordered the parade route away from the Muslim Quarter. At this point, organizers of the Flags March disclaimed responsibility for the march and canceled the official event, although thousands of participants, primarily young men, had already assembled for the march, which proceeded de facto.<sup>23</sup>

Evictions in Sheikh Jarrah are not a new feature to the conflict between the area's Palestinian residents on the one side and the Israeli government and Jewish organizations on the other. However, interest in the latest pending evictions ballooned alongside heightened attention on

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<sup>19</sup> Orly Noy, "J'lem deputy mayor to Palestinian activist: It's a 'pity' you weren't shot in the head," *+972mag*, May 7, 2021, <https://www.972mag.com/aryeh-king-jerusalem-sheikh-jarrah/>.

<sup>20</sup> Nir Hasson and Jack Khoury, "Over 200 Palestinians Wounded in Clashes With Jerusalem Police As Tensions Boil Over," *Haaretz*, May 7, 2021, <https://www.haaretz.com/israel-news/police-protesters-clash-as-tensions-simmer-over-palestinian-evictions-in-jerusalem-1.9783615>.

<sup>21</sup> Nir Hasson and Neteal Bandel, "Israel's Top Court Postpones Eviction Hearing Amid Jerusalem Violence," *Haaretz*, May 9, 2021, <https://www.haaretz.com/israel-news/.premium-israel-s-top-court-postpones-palestinian-eviction-hearing-amid-jerusalem-violence-1.9787755>.

<sup>22</sup> Yaniv Kubovich, "With Jerusalem Ablaze, Top Brass Warns Against Israeli Flag March," *Haaretz*, May 9, 2021, <https://www.haaretz.com/israel-news/.premium-with-jerusalem-ablaze-top-brass-warns-netanyahu-against-jewish-flag-march-1.9787296>.

<sup>23</sup> "Police Change Route of Flag March Through Old City as Jerusalem Simmers," *The Times of Israel*, May 10, 2021, <https://www.timesofisrael.com/police-change-route-of-flag-march-through-old-city-as-jerusalem-simmers/>.

social media in the Arab world, and, notably, inside of Israel as well.<sup>24</sup> Events in Jerusalem produced solidarity demonstrations among Palestinians in the West Bank and Gaza, as well as Palestinian citizens of Israel. In one protest in Lod, a gunman shot and killed an Israeli Arab protester.<sup>25</sup> Police have arrested a local Israeli Jew in connection with the shooting.<sup>26</sup> The increased interest also elicited condemnations over the pending evictions from several American members of Congress.<sup>27</sup>

On Monday, the Islamist extremist group Hamas fired 150 rockets from the Gaza Strip into southern and central, including in the direction of Jerusalem. Israel responded with airstrikes in Gaza, reportedly killing a Hamas military commander. Several civilian fatalities have been reported in Gaza, including as many as nine children.<sup>28</sup> The Israeli military and Palestinian media sources have disputed<sup>29</sup> whether the deaths were caused by airstrikes or instances of Hamas rockets misfiring.<sup>30</sup> Rocket fire from Hamas and the Gaza-based Palestinian Islamic Jihad continued into Tuesday morning, causing two Israeli civilian deaths and many more injuries, alongside Israeli retaliatory airstrikes.<sup>31</sup> Israel reported that it had killed two Palestinian Islamic Jihad officers, including the commander of the group's rocket arsenal.<sup>32</sup>

Hamas, which has governed Gaza since 2007 without new elections, has an interest in exploiting the crisis in an effort to legitimize its rule and head off challenges to its authority. Palestinian Authority President Mahmoud Abbas's statements on the issue have largely pertained to the status of East Jerusalem residents, but there is a risk that he too could

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<sup>24</sup> Daniel Seidemann, Twitter post, 7:31pm, May 8, 2021, <https://twitter.com/DanielSeidemann/status/1391068300373897220>.

<sup>25</sup> Bar Peleg, Josh Breiner, and Yanal Jbareen, "Riots Spread to Israeli Arab Cities Amid Jerusalem, Sheikh Jarrah Violence," *Haaretz*, May 10, 2021, <https://www.haaretz.com/israel-news/.premium-from-jaffa-to-sheikh-jarrah-israel-police-clash-with-protesters-against-evictions-1.9791282>.

<sup>26</sup> "Suspect Arrested in Connection With Deadly Shooting in Lod—Report," *The Times of Israel*, May 11, 2021, [https://www.timesofisrael.com/liveblog\\_entry/suspect-arrested-in-connection-with-deadly-shooting-at-lod-protest-report/](https://www.timesofisrael.com/liveblog_entry/suspect-arrested-in-connection-with-deadly-shooting-at-lod-protest-report/).

<sup>27</sup> Ben Samuels, "Democrats Urge Blinken to Pressure Israel on Evictions in Jerusalem," *Haaretz*, May 7, 2021, <https://www.haaretz.com/us-news/.premium-democrats-urge-blinken-to-pressure-israel-on-palestinian-evictions-in-jerusalem-1.9784038>.

<sup>28</sup> Neri Zilber, "Violent Jerusalem Clashes Just the Start of Bloody Days to Come," *The Daily Beast*, May 10, 2021, <https://www.thedailybeast.com/violent-jerusalem-clashes-just-the-start-of-bloody-days-to-come>.

<sup>29</sup> "Israeli TV: 3 Gaza kids killed by rocket launch gone awry, not Israeli strike," *The Times of Israel*, May 10, 2021, [https://www.timesofisrael.com/liveblog\\_entry/israeli-tv-3-gaza-kids-killed-by-rocket-launch-gone-awry-not-israeli-strike/](https://www.timesofisrael.com/liveblog_entry/israeli-tv-3-gaza-kids-killed-by-rocket-launch-gone-awry-not-israeli-strike/).

<sup>30</sup> "22 Killed as Israel Strikes Gaza After Hamas Rocket Barrage," *Arab News*, May 11, 2021, <https://www.arabnews.com/node/1857081/middle-east>.

<sup>31</sup> "Two Israelis Dead, Over 70 Injured After Rockets Strike Ashkelon, Ashdod," *The Jerusalem Post*, May 11, 2021, <https://www.jpost.com/israel-news/four-people-injured-after-rocket-strikes-house-in-ashkelon-667825>.

<sup>32</sup> Tzvi Joffe and Anna Ahronheim, "Israel kills Islamic Jihad Rocket Arsenal Commander in Gaza Airstrike," *The Jerusalem Post*, May 11, 2021, <https://www.jpost.com/israel-news/israel-striking-gaza-in-response-to-rocket-barrage-directed-at-jerusalem-667776>.

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repurpose the situation to suit domestic political needs, especially after the PA indefinitely suspended elections last month. While the postponement of the Sheikh Jarrah decision offers some short-term relief for the residents facing eviction while also removing the immediate impetus for some of the fighting, it may also extend the window for conflict to take place. Events in Jerusalem and its environs have touched off broader, more destructive military engagements between Israel, Hamas, and other Gaza-based entities; recall, the 2014 murders of three Israeli teenagers in the West Bank and a Palestinian teenager in Jerusalem preceding the war in Gaza that summer.

The indecision amid the crisis, especially leading up to the Yom Yerushalayim Flags March, brings Israel's political crisis into sharp relief: the country currently lacks a government, and while neither Benjamin Netanyahu nor his political rivals Yair Lapid and Naftali Bennett want a conflict, their attention is naturally divided by ongoing coalition negotiations and electoral priorities. How long Lapid (who received the mandate to form a government last week), Bennett, and others can proceed with coalition negotiations will likely be dictated by the course events follow in Jerusalem, Gaza, and beyond.

On Monday, U.S. Secretary of State Antony Blinken met with his Jordanian counterpart, Ayman al Safadi,<sup>33</sup> and further active engagement from the United States and other American regional partners with influence in Jerusalem, Gaza, and Ramallah, could help to bring the parties back from the brink. Continued efforts will be especially important as Israel and Hamas have both reportedly opposed initial entreaties for ceasefire mediation by Egypt.<sup>34</sup> The Biden administration has not yet designated a new U.S. ambassador to Israel, and the crisis now taking shape should reinforce this as a priority in undertaking more preventive measures.

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<sup>33</sup> "Blinken Says Rocket Attacks on Israel Must Stop 'Immediately,'" *Reuters*, May 10, 2021, <https://www.reuters.com/world/middle-east/blinken-says-rocket-attacks-israel-must-stop-immediately-2021-05-10/>.

<sup>34</sup> Tzvi Joffe and Anna Ahronheim, "Israel kills Islamic Jihad Rocket Arsenal Commander in Gaza Airstrike," *The Jerusalem Post*, May 11, 2021, <https://www.jpost.com/israel-news/israel-striking-gaza-in-response-to-rocket-barrage-directed-at-jerusalem-667776>.