



Ramallah, 5 September 2016

Re: Plan to construct a cable car in Occupied East Jerusalem violates International Law

I am writing to you with concern on behalf of the Civic Coalition for Palestinian Rights in Jerusalem (the Coalition), an independent, non-governmental, non-profit coalition of 17 organizations, institutions, societies, and associations dedicated to the promotion and protection of Palestinian rights in Jerusalem.

In 2013 the Jerusalem Municipality introduced a plan to provide easier access to tourist sites by constructing a cable car. Last week, Jerusalem Mayor Nir Barkat appeared on Facebook addressing a group of activists. The cable car will include four main stops; one in West Jerusalem, the second in “Kedem center”, the third in Silwan and the fourth near the Al-Jadeed (Lions’) gate. The latter two station stops are located in the occupied part of East Jerusalem.

Barkat announced a fifth and most important stop, the “Siloam Pool”, passing right through the heart of the East Jerusalem neighborhood of Silwan. He asserted that this project will “bring the wider world to understand who really owns this city – all this infrastructure is intended for that.”¹

He added that he wants to bring 10 million tourists and facilitate easy access to the “Siloam Pool”, the “holy basin”. Archeological efforts will be needed to expose the ancient steps leading from “Siloam” to the “Temple Mount” and the Al Aqsa Mosque.² He was quoted saying “I want to enable Jews and non-Jews to recreate this experience. Anyone who wants to immerse [in Siloam] and then go up toward the Temple Mount experience, anyone who does this will know exactly who the owner of this city is.”³

In 2015, French company Safege, a subsidiary of France-based utility giant Suez Environment, withdrew its participation after being warned against it by the French finance and foreign ministries. France had received complaints from the Palestinian Authority.⁴ Since the withdrawal, the Jerusalem Municipality has not been transparent about the new contractor. It has stated that “specialists are carrying out the project.”⁵

Corporate responsibility to respect human rights is a widely accepted concept.⁶ Business enterprises (of any size) should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.⁷ Additionally the project will affect the Al Waqf’s management of the Haram esh-Sharif (Temple Mount).⁸

¹ N. Hasson, Jerusalem Mayor: Cable Car Stop in Palestinian Neighborhood Will Clarify 'Who Really Owns This City', 25 August 2016, available at: <http://www.haaretz.com/israel-news/premium-1.738541>.

² Interview with Sheikh Ekrima Sa’id Sabri, Al Quds Daily Newspaper, 27 August 2016, p. 25.

³ Supra note 1.

⁴ Nir Hasson, French Firm Pulls Out of Controversial Jerusalem Cable Car Project, Haaretz, 25 March 2015, available at: <http://www.haaretz.com/israel-news/premium-1.648797>.

⁵ Supra note 1.

⁶ Corporate responsibility has been codified in numerous documents, for example: Human Rights Council, Resolution on Human rights and transnational corporations and other business enterprises, HRC Res. 8/ 7 (2008); Guiding Principles on Business and Human Rights, Human Rights Council, adopted in HRC Res. 17/4 (2011).

⁷ Guiding Principles on Business and Human Rights, Human Rights Council, adopted in HRC Res. 17/4 (2011), principles 11 and 14.

⁸ Supra note 2.

UNESCO has deplored the plan, urging Israel, the occupying power, to renounce the project in conformity with its obligations regarding the protection of world heritage sites.⁹

Occupation is meant to be a temporary situation. The occupying power is merely a keeper of the status quo.¹⁰ Building roads or transportation networks with the purpose of serving settlers should be considered unlawful because in principle no territorial acquisition resulting from the threat or use of force shall be recognized as legal.¹¹

This is not the first attempt of Israel to enhance its control over Occupied East Jerusalem. An easy comparison can be drawn with the construction of the light rail, a project started in 2002, in order to facilitate the movement of settlers from city center to the Jewish settlements on the periphery of Jerusalem. Part of the route includes settlements such as French Hill and Pisgat Ze'ev. The Jerusalem Municipality chose to *de facto* consider these neighborhoods as integral parts of Jerusalem.¹² The part of the rail that runs through occupied territory has been condemned as a violation of international law.¹³

Establishing the cable car project will involve changing the traffic routes in order to construct a bridge from the Maghareba gate towards the neighborhood of Silwan. This project is part of a larger plan effectively resulting in the so-called "Israelization" of Jerusalem. Aside from tourism and economic arguments, the cable car plan supports ideological goals.¹⁴

Disguised as a municipal infrastructure project the cable car, similar to the light rail, will serve the illegal Jewish settlement enterprise throughout occupied East Jerusalem. The plan to construct a cable car is a violation international law. It is with these concerns in mind that the Coalition calls upon your government, a High Contracting Party to the Geneva Conventions of 1949, to fulfill its obligation under common Article 1 to respect and ensure respect for the provisions of the Conventions under all circumstances, by putting pressure on Israel to prevent the illegal construction of the cable car.

The Coalition remains at your disposal for any additional information you may wish to receive.

Sincerely,

Zakaria Odeh
Executive Director
Civic Coalition for Palestinian Rights in Jerusalem

⁹ Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954, The Hague, 14 May 1954; UNESCO Decisions, particularly the World Heritage Committee decisions 26 and 38COM7A.4.

¹⁰ Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, The Hague, 18 October 1907, article 55.

¹¹ Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, New York, 24 October 1970; Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, International Court of Justice (ICJ), 9 July 2004, paras. 87-88.

¹² S. Freedman, Israel's occupation, linked by rail, The Guardian, 26 November 2009, available at: <https://www.theguardian.com/commentisfree/2009/nov/26/israel-occupation-jerusalem-light-railway>.

¹³ See for example: Human Rights Council, Human Rights in Palestine and Other Occupied Arab Territories, 25 September 2009, par. 1540, available at: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>.

¹⁴ Ibid.