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THE LEGACY OF PALESTINE



**Position
Paper**

THE CABLE CAR PROJECT
Settlement Activity and
International Cooperation



Position Paper: The Cable Car Project – Settlement Activity and International Cooperation

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Introduction

In recent years, the advancement of Israeli settlement in the heart of East Jerusalem has been taking a different execution approach, namely, large-scale tourism infrastructure projects, the latest being a cable-car project. The motive behind such “planning projects” is altering the character and heritage of Jerusalem, where aspirations of a “unified” capital with Jewish demographic domination is the end goal.

Nonetheless, many of these settlement enterprises that aim to Judaize and achieve control over East Jerusalem, are merely sustained due to the involvement of international corporations. Such involvement may take many forms including investments, corporate supply and purchase agreements, and support or design services¹.

This position paper will reflect on the role of Israeli tourism infrastructure in enabling settler-colonial practices, through the to-be-implemented Cable Car Project, and will call on accountability against international businesses involved in such a project with implications some of which will amount to war crimes, while others will contribute to the upkeep of an apartheid regime in the occupied Palestinian territories.

Overview of the Cable Car project



For years now, the Israeli Ministry of Tourism has been attempting to allocate a budget dedicated to fulfilling its vision of millions of tourists a year in Jerusalem, through – inter alia - establishing and upgrading tourism infrastructure². On May 28, 2017, the Israeli cabinet approved the Cable Car Project, which enabled the Ministry to allocate USD 4.2 Million to plan the project - a stage preceding a building permit³.

The cable car is part of a series of similar projects that work towards strengthening Israeli control over the whole of Jerusalem. However, it is the only one advanced as an infrastructure project of “national importance” through a subsidiary body of the Tourism Ministry called the Committee for National Infrastructure (VATAL)⁴. Such designation, a national infrastructure⁵, means accelerated approval by shortening bureaucratic measures including the objection period, or bypassing potential obstacles⁶. Other projects such as the expansion of the Jerusalem light rail and the construction of the Tel Aviv Jerusalem Fast Train (A1), are advanced through planning bodies belonging to the occupation’s Municipality of Jerusalem⁷.

Sponsors of the cable car project attempt to promote it as first, a solution to the transportation inadequacies around the Old City, most notably near the Mughrabi Gate. Second, to increase domestic and foreign

1) <https://news.un.org/en/story/20201057451/02/>

2) Kandel, Rina Rozenberg. “2020 Vision: How Jerusalem Hopes to Attract 4 Million More Tourists.” Haaretz.com. Haaretz, May 15, 2015. <https://www.haaretz.com/israel-news/business/201515-05-/ty-article/.premium/how-jerusalem-hopes-to-attract-4-million-more-tourists/0000017f-e5f3-dc7e-adff-f5ffe5120000>

3) “In the Air and Underground – the Jerusalem Cable Car Project and Its Potential Impact on the Historic Basin.” Emek Shaveh, June 13, 2017. <https://emekshaveh.org/en/wp-content/uploads/201706//Position-paper-from-the-air-and-underground.pdf>.

4) “Tourism Infrastructure and Settlement Expansion: The Case of the Jerusalem Cable Car.” whoprofits, May 2018. <https://www.whoprofits.org/updates/tourism-infrastructure-and-settlement-expansion-the-case-of-the-jerusalem-cable-car/>

5) Such designation was possible due to amendment 107 to the Planning and Construction Law, enacted in 2016, which among other things expanded the definition of national infrastructure to include tourism, and gave the Minister authority to proclaim transportation infrastructure that acts as both a tourist attraction and a contributor to increased tourism, as a tourist infrastructure project.

6) “The Cable Car Project to the Old City of Jerusalem Israeli National Infrastructure Plan #86: ‘Disneyland Overrides the Holy Land.’” the Arab Center for Alternative Planning, October 2020. Page 17 <https://www.ac-ap.org/en/files/userfiles/ACAP%20HBS%20Cable%20Car%D793%v%20Position%20Paper%20ENG-FINAL.pdf>.

7) “Tourism Infrastructure and Settlement Expansion: The Case of the Jerusalem Cable Car.” whoprofits, May 2018. <https://www.whoprofits.org/updates/tourism-infrastructure-and-settlement-expansion-the-case-of-the-jerusalem-cable-car/>



tourism to “historical sites”⁸ in the southern basin of the Old City. Nevertheless, blatant emphasis on the settler-colonial motives behind the project has been expressed by several Israeli political figures.

In 2017, the Minister of Tourism, Yoel Razvozov, coinciding with the 50th anniversary of Jerusalem’s illegal annexation, commented on the project’s purpose as follows: “To provide easy and convenient access to tourists and visitors at the Western Wall [...]. There is no better time than the marking of the 50th anniversary of the reunification of Jerusalem to commence such a revolutionary project.”⁹ A year prior, the then Jerusalem Mayor of the Israeli occupation Municipality in Jerusalem Nir Barkat explained that the cable car would include a stop in the Palestinian neighborhood of Silwan so that passengers will “understand who really owns this city”¹⁰.

Unfortunately, if established, it will indeed reinforce and normalize Judaizing efforts in East Jerusalem. The decided route extends from the western side of Jerusalem all the way to the Old City, measuring 1400 meters, and includes five stations. It aims to transport 3,000 visitors an hour to sites in East Jerusalem established and/or administered by the settler-led organization Elad Foundation, including the archeological site known as the “City of David”, the Silwan pool, and the “Kedem Compound” as the last stop, and ultimately, to provide for easier access to the occupied Islamic Al-Buraq Wall.

The Visible and the Less-Visible Implications

In April 2021, while the Court was still considering the petitions submitted by opponents of the project, preliminary excavation works began. On May 14, 2022, the High Court rejected four petitions one of which was submitted by residents of Silwan¹¹. Moving through the public objection period is considered the last step in the final approval stage. This consequently means that the project can be fully implemented at any moment now.

A number of foreseeable negative implications and serious violations of international law will transpire, some will be more direct and coercive, while others will be more gradual yet not any less harmful, and all aim to solidify Israeli settlement and/or control in the targeted area.

Silwan Neighborhood, where settler-colonial aspirations are already being practiced, is one the main areas that will be greatly affected by the project, mainly through the following:

Damage to the infrastructure and house expropriation:

The cable car will be supported by 15 pylons, ranging in height from nine to 26 meters (30 to 85 feet)¹². Some of them are planned to be built directly under the foundations of Palestinian houses in Silwan. This will cause critical damage, including infrastructure destruction and partial or full structure destruction, to an overpopulated area already suffering from infrastructure negligence, repeated house demolitions, and land theft by settler organizations.

Since 1967, no comprehensive proposal for planning, building, or development has been prepared for Silwan, despite its growing population¹³. Instead, the Israeli occupation authorities worked on developing and imposing discriminatory planning and zoning policies and continue to do so. These include among many the absentee law, the Kaminitz Law, the establishment of “National Parks” and “archeological sites”, and now, the cable car project.

Legitimizing and Strengthening Settlement in Silwan:

The Israeli settler right-wing organizations Ateret Cohanim and Elad Foundation are responsible for Israeli settlement in the Silwan neighborhood, which is mainly advanced through outposts built on unlawfully seized Palestinian property and demolished structures. Elad, for instance, runs about 70 Jewish settlement outposts in Silwan, with the majority located in Wadi Al-Hilwa¹⁴, while Ateret Cohanim is responsible for

8) “The Cable Car Project to the Old City of Jerusalem Israeli National Infrastructure Plan #86: ‘Disneyland Overrides the Holy Land.’” The Arab Center for Alternative Planning, October 2020. Page 4 <https://www.ac-ap.org/en/files/userfiles/ACAP%20HBS%20Cable%20Car%D793%v%20Position%20Paper%20ENG-FINAL.pdf>.

9) Eichner, Itamar. “Express Cable Car to the Western Wall.” Ynetnews, May 29, 2017. <https://www.ynetnews.com/articles/0,7340,L-4968672,00.html>

10) Nir Hasson, ‘Jerusalem Mayor: Cable Car Stop in Palestinian Neighborhood Will Clarify “Who Really

Owns This City” Haaretz (25 August 2016) <www.haaretz.com/israel-news/.premium-barkat-eastjerusalem-cable-car-will-clarify-who-really-owns-city-1.5428939>

11) Surkes, Sue. “High Court Rejects Petitions against Plan to Build Cable Car to Jerusalem’s Old City.” The Times of Israel, May 15, 2022. <https://www.timesofisrael.com/high-court-rejects-petitions-against-plan-to-build-cable-car-to-jerusalem-old-city/>.

12) Ibid.

13) “The Cable Car Project to the Old City of Jerusalem Israeli National Infrastructure Plan #86: ‘Disneyland Overrides the Holy Land.’” The Arab Center for Alternative Planning, October 2020. Page 6 <https://www.ac-ap.org/en/files/userfiles/ACAP%20HBS%20Cable%20Car%D793%v%20Position%20Paper%20ENG-FINAL.pdf>.

14) “Settlers Get \$8m Boost to Judaize Occupied Silwan.” Middle East Monitor, November 9, 2022. <https://www.middleeastmonitor.com/20221109-settlers-get-8m-boost-to-judaize-occupied-silwan/>



a similar number of illegal outposts in Silwan and across the Old City. Many of the forcefully expropriated houses are argued in court as properties belonging to Jews prior to 1948.¹⁵

The cable car project will allow for a potential permanent expropriation of more Palestinian private property under the pretext of “temporary expropriation”. In the legal documents of the plan, there are no specifications that will guarantee the right of Palestinians to retrieve their property after the construction phase ends, instead, the term is used in a vague and flexible manner¹⁶.

Moreover, the plan fails to specify the duration of this construction period¹⁷, thus increasing the risk of an irreversible confiscation, and tightening the restrictions on building development in the area.

Lastly, and in addition to the invasion of privacy Palestinians will endure due to the proximity of the cable car to some houses, a reinforcement of falsified narratives promoted by settler-led organizations will take place.

Normalizing and profiting settler-led projects and organizations in Silwan:

Two settler-led organizations will greatly benefit from the project, the Elad Foundation, and the Western Wall Heritage Foundation¹⁸, as the cable car will enable access to “historic” and “touristic” sites managed by them, namely, the City of David and the Kedeem Project by the former, and the so-called “Western Wall Tunnels” by the latter¹⁹.

The tunnels under the Al-Buraq Wall²⁰ and the Al-Haram are illegal excavation work that began in 1968²¹ and are currently being executed by the Israeli Antiquity Authority (IAA), in violation of the historic status quo. While the City of David is a settlement project that attempts to promote the colonial Jewish-Zionist narrative and intentionally excludes relics belonging to epochs that do not relate to or prove Jewish presence in Jerusalem, from its archeological findings.

Within these three projects, the “tourist experience” is highly regulated. The narrated information and the exhibited material both work on weaving a religious-national narrative that excludes the presence of Palestinians and their religious and historical belongings²².

The cable car will attract large numbers of settlers and foreigners to go on such tours, where they travel under and above Palestinian houses and other sites that reflect on their heritage, while keeping them out of view and even out of the mental imagery.



15) “New Illegal Colony Planned In Silwan, In Occupied Jerusalem.” IMEMC News, August 12, 2015. <https://imemc.org/article/72614/>

16) “The Cable Car Project to the Old City of Jerusalem Israeli National Infrastructure Plan #86: ‘Disneyland Overrides the Holy Land.’” the Arab Center for Alternative Planning, October 2020. Page 17 <https://www.ac-ap.org/en/files/userfiles/ACAP%20HB5%20Cable%20Car%D793%v%20Position%20Paper%20ENG-FINAL.pdf>.

17) Ibid.

18) A governmental body established by the occupation’s Ministry of Religious Affairs in 1990.

19) “In the Air and Underground – the Jerusalem Cable Car Project and Its Potential Impact on the Historic Basin.” Emek Shaveh, Page 3, June 13, 2017. <https://emekshaveh.org/en/wp-content/uploads/201706//Position-paper-from-the-air-and-underground.pdf>

20) In 1930, an ad hoc commission formed by the British Mandate ruled that that Al-Buraq Wall is an Islamic religious site, yet since 1967 following the illegal confiscation of the keys to Al-Magharbeh Gate until the present day, Muslims are forbidden from entering and praying at the Buraq-Wall. Only Jews and foreign visitors are allowed in.

21) Salah el-din, A. (2008, October 18). مدينة القدس (Israeli) Excavations around Al-Aqsa Mosque. Retrieved from <https://alquds-city.com/index.php?s=51&id=588>

22) “In the Air and Underground – the Jerusalem Cable Car Project and Its Potential Impact on the Historic Basin.” Emek Shaveh, Page 4, June 13, 2017. <https://emekshaveh.org/en/wp-content/uploads/201706//Position-paper-from-the-air-and-underground.pdf>



A new transportation problem:

Although the sponsors of the project claim that it will resolve the transportation problem at the Mughrabi - “Dung Gate” area - the cable car’s last stop, it will in fact create a busy access point, where large-scale excavation work already exists and has among other things cut the roads narrow to residents of Silwan. In other words, additional movement hindrance will be created, negatively impacting Palestinians living in that area, whose needs were not taken into consideration, and more so were excluded from enjoying the same “services” the cable car will provide, namely access to their religious site (Al-Buraq Wall).

A sustained infringement of the Status Quo:

Since 1967 until this day, Muslims are banned from praying in front of the Buraq Wall. In 1967, the Israeli occupation authorities razed the Moroccan Quarter and, on its ruins, established a plaza for Jewish worshippers. They also confiscated the keys to the Mughrabi Gate (one of the Holy Al-Aqsa Mosque’s Gates), and have controlled who can enter ever since, in violation of the status quo arrangement. Further challenges to the status quo have taken the form of the IAA carrying out excavation work and digging tunnels, as well as building a bridge, without consent from the Islamic Waqf department - the legal administering body of the Holy Al-Aqsa Mosque/ Al-Haram Al-Sharif. In addition, regular incursions and the use of force by the occupation police, as well as restrictions over maintenance work, can be seen taking place at the rest of the Holy Al-Aqsa Mosque.

All these endeavors - despite being promoted differently- are driven by one purpose; to take control of the site and build the Jewish temple instead of the Holy Al-Aqsa Mosque/ Al-Haram Al-Sharif.

Four months prior to the Israeli High Court approving the cable-car project, the Israeli Cabinet Ministers approved a 5-year plan re-activated by the former Prime Minister Neftali Bennet and funded by ten Israeli ministries. The plan necessitates NIS 110 million (\$35.4 million) to upgrade infrastructure at the so-called «Western Wall» (the true name is Al-Buraq Wall), for the purpose of attracting more tourists²³.

Establishing the cable car will merely be of assistance to move forward with such a plan, and to increase Israel’s control over the site, despite international condemnation, including UNESCO’s 2016 Occupied Palestine resolution, and the historic consensus reassured multiple times over the Islamic ownership of the Wall.

Harming the historical character of Jerusalem:

As previously mentioned, the last stop will be at a compound yet to be built right next to the Walls of the Old City. The station will be on its rooftop, reaching as high as the Walls that have been inscribed as a World Heritage since 1981, and as an endangered one since 1982. In other words, no change or damage should be made to it, but rather preserved²⁴. Similarly, the adjacent area to the Walls, which constitutes according to UNESCO a “buffer zone” that sets apart the World Heritage Site from its surrounding area and gives an added layer of protection to the property, should be preserved.

Furthermore, the historic skyline of the city will be altered, which is an indivisible part of Jerusalem’s character and identity.

Harming Palestinian livelihood:

The project will deepen the economic hardship the Palestinian tourism sector is facing by further deviating the focus from Palestinian touristic shops and tours to Israeli ones. In Silwan, many of the souvenir shops and restaurants that once served tourists are permanently closed, due to Israeli tourism taking over. Similarly, in the Old City of Jerusalem, where the main source of income for Palestinians depends on tourism, many of the shop owners were forced to close their businesses over the years due to a number of reasons; increased Israeli tourism is among them.

Prior to 1967, there were around 5000 operating businesses in the Old City, while currently they only amount to 3400²⁵. The construction of the cable car is expected to cause a further decline in numbers, as it will attract tourists elsewhere, namely, settler-led projects (sites) and illegal Israeli outposts.

According to the findings of a 2013 report by an independent international fact-finding mission, the “captivity of the Palestinian financial and economic markets, as well as practices that disadvantage Palestinian

23) staff, Toi. “Israel Okays \$35 Million to Upgrade Western Wall Infrastructure, Boost Tourism.” The Times of Israel, January 16, 2022. <https://www.timesofisrael.com/israel-okays-35-million-to-upgrade-western-wall-infrastructure-boost-tourism/>.

24) UNESCO World Heritage Centre. “State of Conservation (SOC),” n.d. https://whc.unesco.org/en/soc/?action=list&id_site=148.

25) “The Cable Car Project to the Old City of Jerusalem Israeli National Infrastructure Plan #86: ‘Disneyland Overrides the Holy Land.’” the Arab Center for Alternative Planning, October 2020. Page 5 <https://www.ac-ap.org/en/files/userfiles/ACAP%20HBS%20Cable%20Car%D793%v%20Position%20Paper%20ENG-FINAL.pdf>



enterprises” are among the impacts of businesses that pose particular threats to the human rights of Palestinians²⁶.

These findings were later adopted as a criterion for the UN database on businesses complicit in settler enterprises²⁷.

International Corporate Involvement:

A coalition of 25 Palestinian and European organizations, called the “Don’t Buy into Occupation” (DBIO) coalition, found that between 2018 and May 2021, 672 European financial institutions had business relationships with 50 corporations actively involved in Israeli settlement enterprises²⁸.

The cable car project is no exception to this, yet it is little spoken about when addressing the project. The company responsible for designing the cable car is a French private engineering and consulting company called Cable Neige Amenagement (CNA) – Maîtrise D’Oeuvre, and is based in Grenoble, France. In 2015, it was awarded a 145,000 Euros contract by the Jerusalem Development Authority to become the lead planner, replacing another French company called Safege that withdrew after being advised against the project by the Foreign and Finance Ministries of France. By mid-2017, CNA had a planning team of three specialists: a ropeway systems engineer, a transport architect and town planner, and a transport and operation engineer²⁹. Until the present day, CNA is the lead planner for cable car design.

Accordingly and based on the ramifications addressed above, we **PalVision** deem CNA complicit in first, advancing Israeli settlement in Silwan, which entails, inter alia, forced displacement of Palestinians and the expropriation of their property. Second, in maintaining the unlawful control of the Israeli occupation over the Al-Buraq Wall, and third, in making changes to the occupied territory through the above-discussed critical damage the cable car will cause to Jerusalem’s landscape, skyline, and historical character.

In fact, according to the Jerusalem Development Authority’s inquiry, there is no Israeli provider that has the required expertise to plan the project³⁰. Therefore, CNA involvement is the reason for the operational sustainability of the [settler] cable car project.

Notwithstanding, there is always the choice to withdraw and refrain from taking part in international law violations, or alternatively, for member states to push towards accountability. In 2020, the Office of the High Commissioner for Human Rights released a database of businesses involved with illegal Israeli settlements. It identified 112 companies, 18 of which are international. The database, mandated by the Human Rights Council resolution 31/36 (2016), acts as a tool for transparency and accountability and is to be annually updated.

Accordingly, we PalVision recommend the following:

We call on member states to:

- Support the UN database and utilize it for greater action against businesses and corporations that help maintain the occupying power’s blatant human rights violations against Palestinians.
- Call on the assessment of CNA against the database’s mandate and standards, and urge the Office of the High Commissioner for Human Rights to update the database.

Furthermore, **States**, as primary duty bearers, have a responsibility to protect against human rights abuses by third parties, including business enterprises domiciled in their territory and/or jurisdiction, that “have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the settlements.”³¹

Therefore, **we urge States** to impose mandatory enhanced human rights due diligence for such businesses to assess and prevent their complicity in international law violations.

We also urge the CNA that is cooperating with a project to be implemented in an illegally annexed territory, and without the consultation or approval of the protected population, to take all the necessary steps, including divestment and disengagement, to meet their responsibilities and avoid complicity in international law violations and grave breaches.

26) A/HRC/22/63/, Page 20 https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-2263-_en.pdf

27) <https://www.justsecurity.org/68948/the-benefits-and-drawbacks-of-the-un-database-on-businesses-contributing-to-israeli-settlements/>

28) “New Report Exposes Billions in European Financial Support to Companies in Illegal Israeli Settlements.” Banktrack, September 29, 2021. https://www.banktrack.org/news/new_report_exposes_billions_in_european_financial_support_to_companies_in_illegal_israeli_settlements

29) “Tourism Infrastructure and Settlement Expansion: The Case of the Jerusalem Cable Car.” whoprofits, May 2018. <https://www.whoprofits.org/updates/tourism-infrastructure-and-settlement-expansion-the-case-of-the-jerusalem-cable-car/>

30) Ibid.

31) A/HRC/22/63/, p. 20.



Similarly, we call on international tourism businesses to:

- Avoid holding tours in places established and/or that operate in violation of the status quo, and international law in general.
- Hold back from engaging with and profiting from settler-led institutions like Elad.
- Conduct Enhanced Human Rights Due Diligence as a part of the risk analysis for business activities in OPT.

Lastly, we **call on UNESCO** to put pressure on Israeli occupation authorities to immediately halt the cable car project that will further endanger the Walls of the Old City.





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