6.1.10Palestine



Context

Refa'im Park was approved in 2013 in the southern rural hinterland of Jerusalem as part of the Jerusalem Metropolitan Park. It covers roughly 570 hectares, including around 1,800 dunums belonging to the Palestinian village of Al-Walaja. The landscape contains ancient agricultural terraces, olive and fruit orchards, grazing areas and natural springs that historically sustained villages known as the gardens or vegetable baskets of Jerusalem. Al-Walaja's territory was already fragmented by the 1948 war, the 1967 annexation of part of its land, the separation wall and a complex division between Jerusalem and the West Bank. Most villagers hold West Bank identity cards. The park was developed by Israeli governmental and quasi-governmental bodies, including the Jerusalem Municipality, Jerusalem Development Authority, KKL-JNF and Israel Nature and Parks Authority. It is publicly presented as a project for biodiversity, heritage, recreation, social cohesion and tourism development.

Conflict description

The study argues that the park functions as 'neo-fortress conservation': an environmental designation that advances territorial control without formally transferring all property. Villagers may remain owners on paper, but most practical rights to access, cultivate and manage the land are removed. The separation wall placed much of Al-Walaja's agricultural land behind it, and the park added conservation restrictions. Access requires permits generally available only to people who can prove formal ownership, yet many village rights derive from long possession and inheritance without individual registration. Even successful permit holders face severe limits on agriculture, grazing and collection of wild products; fruit harvesting at specified times is one of the few tolerated activities. In 2023, relocation of a checkpoint prevented West Bank ID holders from reaching the park, including Ayn al-Haniyya, the last spring that had remained accessible after 1948. Before the wall and the park, villagers used the spring and surrounding terraces for irrigation, livestock, permanent crops, rain-fed farming, grazing and foraging. Archaeological excavation and renovation transformed the spring into a park attraction while excluding many of the people who had used and maintained it. Declaring land a national park also avoids immediate expropriation compensation and transfers management and enforcement to the park authority. The consequences extend beyond lost agricultural income. Households have relocated farming and livestock inside the village, where land and water are scarce. Palestinians receive running water only intermittently and rely on costly tanks and rainwater wells, while agricultural wells, sheds and greenhouses face demolition orders. The village also lacks an approved master plan, making legal construction nearly impossible. Thirty-eight homes have faced pending demolition orders, and a proposed village plan was rejected partly on environmental and scenic grounds. Through permits, conservation zoning, infrastructure restrictions and planning denials, ownership

is progressively emptied of practical meaning. The park therefore compounds an agrarian and housing crisis and contributes to gradual displacement.

Resistance and pathways forward

Villagers have resisted through litigation, non-violent protest, continued cultivation where possible and refusal to legitimise the permit regime. In 2011, residents petitioned the Israeli High Court against the wall's route, but the claim was dismissed despite the International Court of Justice's 2004 advisory opinion finding construction of the wall in occupied territory contrary to international law. Popular mobilisations by villagers and Israeli activists followed and were met with repression. Legal attention later shifted to house demolitions. Court proceedings produced temporary freezes, including a 2022 halt affecting 38 homes while planning authorities reviewed a proposed master plan, but the plan itself was rejected. Some villagers continue applying for access permits; others refuse because permits neither restore control nor protect them from searches, harassment or future uprooting of trees. The study recommends combining legal advocacy with participatory counter-mapping to document historical land use, access restrictions and de facto dispossession. A central open database could support lawyers, civil society and researchers. Palestinian institutions working on natural history and biodiversity should receive support to preserve ecological knowledge and develop conservation models rooted in community self-determination. More fundamentally, the park cannot be treated as an isolated technical dispute. Effective resolution requires compliance with international law, removal of discriminatory access and planning barriers, recognition of both formal and customary property interests, and restoration of villagers' ability to use water, cultivate land and maintain homes. Environmental protection is unlikely to be legitimate or durable where the people who created and sustained the terraced landscape are excluded from it.