

## House Hunting in Kafr ‘Aqab

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### Abstract

Kafr ‘Aqab is an annexed neighborhood at the northern end of East Jerusalem, squeezed between Ramallah and the Wall. Many observers and journalists wrongly assume it is simply a congested suburb of Ramallah, usually regarded by passersby as a concrete jungle. The reality of Kafr ‘Aqab is far more interesting and diverse. Upwards of 125,000 Palestinians of varying statuses and situations, call the neighborhood home. This essay explores some of the challenges faced by Kafr ‘Aqab residents, through a story of a newlywed couple’s search for an apartment to buy.

### Keywords

Jerusalem; occupation; demolition; Palestine; Wall; Israeli permanent residency; dispossession; land politics; home ownership.

The first time I met my future in-laws, beyond the obvious reservations they had about their daughter marrying a foreigner, they stressed repeatedly that we would need to live in Kafr ‘Aqab, in northern Jerusalem. They lived in Kafr ‘Aqab and they expected us to as well, to keep the whole family in close proximity and for bureaucratic reasons.

Most Palestinians, when they hear I live in Kafr ‘Aqab, assume I did something wrong in life to warrant such a fate. But for many East Jerusalem Palestinians, Kafr ‘Aqab is not only home, but the only place they can live.

Even if you are unfamiliar with Kafr ‘Aqab, you likely passed by it when traveling between Jerusalem and Ramallah. Traveling north from

Jerusalem, you drive along the Wall to Qalandiya checkpoint, and then pass Qalandiya village and refugee camp. After that is Kafr ‘Aqab – notorious to commuters for having the worst traffic between the river and the sea. A congested tangle of high-rise buildings of ten or more floors, haphazardly placed about three meters apart, Kafr ‘Aqab has been part of the Jerusalem municipality since 1967, when Israel conquered and occupied the West Bank, including East Jerusalem. In doing so, it redrew the Jerusalem municipal boundaries to include the land of surrounding neighborhoods and villages. Kafr ‘Aqab is its weird fist-shaped extension to the north. Looking at a map, one wonders why Israel would bother to include Kafr ‘Aqab, at the time a small village. But Israel wanted to ensure effective control and potential future use of what was formerly Jordan’s Jerusalem Airport, located in Qalandiya, and this necessitated control of its surroundings, including Kafr ‘Aqab.<sup>1</sup>

Today, Kafr ‘Aqab is the largest neighborhood in Jerusalem, with 61,500 residents in 2018, according to Israeli statistics, although in reality the number is closer to 100,000 or even 125,000 people in an area of around 3.2 square kilometers.<sup>2</sup> Since the early 2000s, its population has increased by more than 600 percent.<sup>3</sup> Tens of thousands of Palestinians have found themselves in the neighborhood due to the lack of affordable housing to accommodate a fast-growing population and the ever-increasing cost of living in Jerusalem. Though Palestinians make up 40 percent of the population of “expanded Jerusalem,” they are allowed to build on only 13 percent of the land.<sup>4</sup> The overwhelming majority of this land has already been built on, forcing Palestinians to come up with new solutions to deal with their population growth.

Since 2003, Kafr ‘Aqab has found itself, along with the Shu‘fat refugee camp, relegated to a kind of no man’s land beyond Israel’s infamous Wall. In addition to geographic isolation, this configuration also meant that municipal services in Kafr ‘Aqab, already few and far between, diminished even further. Water is provided only twice a week by the Jerusalem Water Undertaking, based in Ramallah.<sup>5</sup> Municipal trash collection is infrequent, complemented inadequately by private services, leaving overfilled trashcans as a common feature of Kafr ‘Aqab. Police are non-existent in the neighborhood. Israeli police refuse to patrol or respond to calls, and Palestinian police are not allowed due to the Oslo accords. Hence Kafr ‘Aqab has a reputation as being a lawless haven for car thieves, drug dealers, and other petty crime. Kafr ‘Aqab is also a preferred spot for gun-shooting wedding convoys (and sometimes for rival gangs). Every resident of Kafr ‘Aqab quickly becomes an expert in being able to ascertain not only what weapon is being fired, but for what occasion.

So why would I choose to live in such a place? Well, as I mentioned, my wife’s family has called Kafr ‘Aqab home for some time, and residing there allows them to maintain their Jerusalem residency status. Since the 1967 occupation, but especially since the mid-1990s, Israeli policy has sought to keep the demographic ratio in the city at 70:30 Israeli Jews to Palestinians. One of its main policy tools is the vague and nefarious “center of life” standard, which demands that Jerusalemite Palestinians must constantly document that Jerusalem is their center of life. In anticipation of this demand, every Jerusalemite Palestinian has a folder in their house of receipts for

payments in Jerusalem for electricity, water, internet, health care, and rent (or a house deed), as well as any paystubs (if the employer meets Israel's definition of Israeli), and photos of family members. Without such evidence, residents face investigation from the Ministry of Interior and potential revocation of their blue Jerusalem IDs. Residents of Kafr 'Aqab, like all Palestinian neighborhoods, are used to the regular knock at their door of a Ministry of Interior employee (typically a Palestinian citizen of Israel) to ascertain that they do in fact live there. Since 1967, Israel has revoked the Jerusalem residency of over 14,500 Palestinians, in effect deporting them, under this center of life ordinance.<sup>6</sup>

Another factor driving Palestinians to live in Kafr 'Aqab is Israel's refusal since the early 2000s to grant family reunification (*lam al-shaml*) – a bureaucratic necessity for any non-Jerusalemite who is married to a Jerusalemite (and for the children of such “mixed” residencies) to live in Jerusalem as a family.<sup>7</sup> Many thousands of applications for family reunification lie pending, some waiting up to twenty years for even a short-term permit or temporary residency to live as a family in Jerusalem.<sup>8</sup> Without such approval, Kafr 'Aqab is one of the few neighborhoods where such families can reside as a unit. It is estimated that up to thirty thousand applicants reside in Kafr 'Aqab, hoping one day to have their family status approved and to eventually move to a more desirable Jerusalem neighborhood on the other side of the Wall.<sup>9</sup>

The fact that over 95 percent of Kafr 'Aqab's buildings are deemed illegal by Israeli law requires some explanation. For new construction elsewhere, for example, in Givat Shaul (an Israeli urban settlement in West Jerusalem built over the ruins of Dayr Yasin village), the landowner would hire an architect, a land surveyor, and others to review the plot, develop a plan according to Israeli codes, and submit it for municipal review. Assuming the municipality approves it, the plan would receive formal recognition and move forward. During construction, the site would be visited by municipal employees to monitor that everything was according to the approved plan. Upon completion, the new building would receive an address and its inhabitants would have legal protection in cases of fraud, mismanagement, or other issues. In Kafr 'Aqab, no such framework exists.

The Israeli government has long refused to review or approve more than a token number of new buildings in Palestinian neighborhoods, and Kafr 'Aqab is no different. Thus, Palestinians must find solutions to Israeli-made problems, which means proceeding with construction without permits. Illegal construction is not unique to Kafr 'Aqab, but the sheer magnitude of it is. East Jerusalem Palestinians experience more than a hundred demolitions a year (around 80 percent of all Jerusalem demolitions, despite the fact that over 80 percent of building violations are in West Jerusalem).<sup>10</sup> The Kafr 'Aqab neighborhood, like urban refugee camps in Nablus or Ramallah, is marked by inadequate infrastructure and dense subpar construction by developers ready to take advantage of vulnerable families desperate for housing.

When my wife and I began our hunt for an apartment, I asked many friends in the area for estimates on prices, availability, and conditions. Most told me old prices, outdated by years, unaware of the Jerusalem housing market's current shape. We also

consulted at length with my wife's father, who himself has purchased a home and helped others. The first thing we did was determine the parts of Kafr 'Aqab where we were willing to live. My wife's family lives on the main road, north of the *mafraq* or main intersection, so we limited ourselves to this area. On the numerous Facebook pages dedicated to Kafr 'Aqab apartments, we began posting, trying to avoid the more obviously inflated prices. We included numerous details about our desired apartment: the size, location, condition, the necessity of a parking spot, and the fact we wanted to buy and not rent. Despite our best efforts, the overwhelming majority of responses were useless: some simply posted the response *mawjud* (available) without a phone number; others wrote "following." We wrote to everyone who posted "available" to inquire further: 99 percent of them did not match more than one of our qualifications. Apartments far from our desired location, or not yet built were the norm.

Occasionally, someone would directly message us or respond with their phone number and some minor promising information. Many turned out to be part-time salesmen, working on commission for a relative or friend, and knew very little about the apartment they were selling. After confirming some details, location being most paramount, we would arrange a visit to the apartment the same day or the next. On sight, the apartments rarely met any of our conditions. On the phone, prospective sellers or their agents would say anything and everything to get us to visit their apartment (or in many cases, multiple apartments) in hopes that we would be impressed. Many apartments were in an area called Tal al-Nusba, on the hill overlooking the heart of Kafr 'Aqab and the epitome of a concrete jungle of poorly planned and fast-tracked high-rise buildings. Many apartments were in poor condition, even by Kafr 'Aqab standards, and had likely been on the market for years, suffering from massive neglect while awaiting a buyer.

In every post we insisted that we wanted a "ready-to-move-in" apartment and not what is locally called 'azm (skeleton) apartment. 'Azm apartments usually have a minimum structure, meaning the foundation, outside, and supporting walls are built, but nothing inside. They often come with pie-in-the-sky projections about their finish date. "*Wallahi*, three to six months," was the normal response – usually off by about two to three years. Many apartment projects start with an initial influx of capital and are built as more money comes in from sales of prospective units. This whole system banks on continuous sales in a hot market. Unfortunately, many projects stall for years due to insufficient capital or increased prices in raw materials. People can be waiting five years or more to finally move into their purchased apartment. Still, 'azm apartments are a popular option for people with time, because it allows them to customize floor plans, tile choices, windows, and paint jobs according to their budgets, and because developers tend to choose cheaper options to save money.

One night, as my wife and I were waiting on responses to a post we had published on a popular Kafr 'Aqab page, we received a direct message from a man named Mu'tasim. He said that he had exactly what we were looking for (we had heard that before), and even sent us a video and geographic location. His video was typical, showing him entering the elevator and taking it to the floor on which the apartment

is located (to show the lobby and that the elevator is in working condition, important in Kafr ‘Aqab), and then entering each room to show the decor and furniture. His apartment looked fantastic and even featured stylish furniture and design. It was late in the day, but we were so excited to have a good lead that we immediately asked for a tour. He said he was in ‘Anata but would make his way over and be there in an hour. We called my father-in-law and told him to put his negotiating shoes on.

We arrived at the apartment, only a two-minute walk from the in-laws, and met with Mu‘tasim. He showed us his brand new, never-lived-in apartment. Everything was as he said, and it looked perfect for us. My father-in-law and Mu‘tasim began their negotiations. If you are not sure how this goes, it is something of a fun experience. First, the gentlemen give a brief (or sometimes long-winded) background of their family, including important figures or stories, and the circumstances that bring them here today. Next, they explain why they think the apartment should cost a certain amount, and, after much back-and-forth, proceed to hash out the final price, terms, and conditions. This is all done over numerous cups of coffee and cigarettes, and side stories that have nothing specifically to do with the apartment.

There are no bank mortgages in Kafr ‘Aqab, and all negotiations and payments are arranged directly between the buyer and the seller. The total price, down payment, and monthly payments are all negotiable. Typically, the down payment is around 15–25 percent of the total price, and monthly payments are expected to finish within five to eight years. But in the hot and simultaneously unchecked market of Kafr ‘Aqab, the seller has the ability (and uses it) to make the conditions favorable to him. Mu‘tasim demanded a down payment of 40 percent, with monthly payments to finish within five years. My wife and I were elated. The price and first payment were higher than we had budgeted, but factoring in that the apartment was furnished, we figured it would all balance out. I called my mother that night begging her to borrow some money to make that first payment.

Although we had agreed to his terms, Mu‘tasim ghosted us. When we asked to meet to have a lawyer draw up the terms and conditions, he quickly stopped answering his phone, and even blocked our numbers. After a week without contact, he wrote us on Facebook, informing us that he wanted a 60 percent down payment and the remaining amount within two years. From our side, this was an impossible ask, and despite my father-in-law’s attempts to reason with him, our dream apartment was out of reach.

A couple weeks later, my father-in-law got the number of a developer who said that he had a building on the quiet side of Kafr ‘Aqab (abutting the neighborhood of Umm al-Sharayit). It was almost completed and had two units left. We visited the building and while it had many positives – it was in fact in one of Kafr ‘Aqab’s only quiet areas and had a view that was unlikely to be boxed in by other high rises – one huge downside was that the building was still ‘azm, and not close to being finished. At best, seven of the projected twelve floors were completed. It seems they had run out of capital and needed some more sales to get construction moving again. Details were discussed and the terms and conditions of payment were very favorable, but the ‘azm circumstances spooked me and we decided to pass. Ultimately, it was the right

decision: even though we were told the usual “three to six months we will be done, promise,” eighteen months later, the building has not even reached its planned twelve floors.

After viewing sixty apartments, many of which were in decrepit shape or not remotely near where we wanted to live, we were reaching the end of our line in terms of time: we needed to get an apartment and soon. We were both relaxing in the living room, trying to figure out what to do, when we got a message on Facebook from a woman named Ashwaq about a potential apartment. Out of hundreds of people who reached out to us, only two had been women. Ashwaq was very straightforward about the apartment, its price, and the terms and conditions. She sent us some photos and videos and invited us for a tour. The next day, once her husband Muhammad got home from work, we received an invitation to view the apartment.

When they gave us the directions, we realized the apartment was located in the same building as the one that Mu‘tasim had shown us, so we were at least confident that the building itself was good. We met them at the door and they showed us around. Muhammad was the original owner of the apartment and impressed us with a history of every aspect of the building and apartment. He showed us all the additions he had made, from the over-the-top decor choices to the upgraded shades and the seemingly innumerable light installations he had installed himself (no joke, it feels like there are 160 lights in this apartment, of which we only use twenty). He invited us to the sitting room to begin the negotiations. I kept my mouth shut and let my father-in-law take charge. He tried every angle to get Muhammad to lower the price, but to no avail. Muhammad was proud of his upgrades and stated, matter-of-factly, that he was simply looking to get the price of the apartment, plus the price of the upgrades, and not trying to squeeze us further. After some back and forth, it was decided: this was to be our home. Again I begged my mother (thanks, mom) for money to meet the down payment, Muhammad never ghosted us, and in short order we sat down with a lawyer to get everything formalized and finished.

Since then, we have been living in our Kafr ‘Aqab apartment, trying our best to enjoy the circumstances of living in an overgrown slum, unregulated and unwanted, while simultaneously documenting every step we take to meet the ever-changing Israeli requirements to prove that our center of life is in Jerusalem. Like many of Israel’s occupation policies, its policy toward East Jerusalem and Kafr ‘Aqab seems short-sighted. For decades, it has been pushing Palestinians in Kafr ‘Aqab to engage in illegal, unplanned, and congested construction, producing an enclave that it seems difficult to believe Israel’s Jerusalem municipality wants to maintain. But the chances of Kafr ‘Aqab actually being excluded from the municipality seem low. First, it would produce a migration of some 120,000 Palestinians or more to areas within the Wall in an effort to maintain their Jerusalem residency status, an influx that is undesirable from Israel’s perspective. Second, Kafr ‘Aqab’s proximity to the airport (the original reason for including it within the municipal borders) has not changed. In the short term, more Palestinians will squeeze into Kafr ‘Aqab, prices will continue to rise, and conditions for buyers will become worse. In the past five years, housing prices in Kafr

‘Aqab have already risen 40 percent. All the while, buildings are going up on every square inch of potential available land, including two high-rises of eighteen or more floors just in front of us, separated by less than four meters.

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#### Endnotes

- 1 Ahmad Asmar, *Kufr Aqab Abstract* (Jerusalem: Jerusalem Institute for Policy Research, 2018), online at (jerusalemstitute.org.il) bit.ly/3JN19ZY (accessed 22 May 2023).
- 2 Asmar, *Kufr Aqab Abstract*.
- 3 Jaclynn Ashly, “Palestinians in Kufr Aqab: ‘We Live Here Just to Wait,’” *al-Jazeera*, 7 January 2018, online at (aljazeera.com) bit.ly/3rgDXvg (accessed 22 May 2023).
- 4 United Nations Office for the Coordination of Humanitarian Affairs, “East Jerusalem, December 2018,” online at (ochaopt.org) bit.ly/3NAnvgW (accessed 22 May 2023).
- 5 Asmar, *Kufr Aqab Abstract*. The Jerusalem Water Undertaking’s current distribution schedule divides Kafr ‘Aqab into three zones, receiving water between two and four times per week. See Jerusalem Water Undertaking, “Burnamij al-tawzi” [Distribution schedule], online at (jwu.org) bit.ly/3K9aBpt (accessed 22 May 2023). However, the building in which I live receives water once a week (Saturday morning around 10 am). I know no one who receives water four times per week, though it is possible.
- 6 HaMoked: Center for the Defense of the Individual, “Israel Continues Its ‘Quiet Deportation’ Policy,” 28 February 2016, online at hamoked.org/document.php?dID=Updates1717 (accessed 22 May 2023).
- 7 Grassroot alQuds, *Kufr Aqab* (Jerusalem: Grassroots alQuds, n.d.), online at bit.ly/44EW64C (accessed 22 May 2023).
- 8 For more information on this, see Danielle Jefferis, “The ‘Center of Life’ Policy: Institutionalizing Statelessness in East Jerusalem,” *Jerusalem Quarterly* 50 (Summer 2012): 94–103.
- 9 Oliver Holmes and Sufian Taha, “Jerusalem’s ‘Love Neighbourhood’: A Refuge for Star-Crossed Palestinians,” *Guardian*, 10 November 2019, online at (theguardian.com) bit.ly/44QE7Z1 (accessed 22 May 2023).
- 10 *Separate and Unequal: Israel’s Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories* (New York: Human Rights Watch, 2010), 135, online at (hrw.org) bit.ly/3XHafeV (accessed 22 May 2023).